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FRIDAY, JULY 1, 1785.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia; and from the state of New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [William] Ellery, and from Maryland, Mr. [William] Hindman.

On the report of a committee, consisting of Mr. [William] Ellery, Mr. [James] McHenry, and Mr. [Abiel] Foster, to whom was referred a letter of the 13 of June, from the board of treasury, with a letter of the 7th June, from the Sieur de Marbois,

Resolved, That the letter of the board of treasury of the 13th of June, and the letter it enclosed from the Sieur de Marbois, respecting the payment of the pension of Captain Beaulieu, be returned to the said board, and that they pay the said pension where they shall judge expedient.

The committee, consisting of Mr. [Charles] Pinckney, Mr. R. R.Livingston, Mr. [Rufus] King, Mr. [James] Monroe and Mr. [William Samuel] Johnson, to whom were referred a letter of the 23 of December, from the hon^ble^ Cyrus Griffin and John Lowell, esquires, judges of the court of appeals, and a motion of Mr. [David] Howell, to whom also were referred a petition of Joseph Ellis, praying a rehearing in the case of the sloop *Hannah*, condemned in the court of admiralty, in the state of New Jersey, a reversal of which decree was obtained before the judges of Appeal; also a report of the Secretary for foreign affairs in the case of the brig *Ersten*, and a memorial and petition of G. Meade, in behalf of Messrs. T. W. C. and R. Lake, having reported,

"That in their opinion, the present judges of the court of Appeals, are still in Commission, and that it will be necessary the court of appeals should remain upon its present establishment, except with respect to the salaries of the judges, which

should cease from the day of and that in lieu thereof they shall be entitled to dollars per day, during the time they shall attend the sitting of the courts, and including the time they shall be necessarily employed in travelling to and from the said courts. That the present judges be acquainted with the determination of Congress upon this subject. That with respect to the cases of the sloop *Hannah* and the brig *Ersten*, the court of appeals be authorized, in these and every other cause before them, to grant rehearings, or new trials of the same, whenever justice and right may, in their Opinion, require it, provided that such rehearing is ——— Provided also, than an order for a rehearing shall, in no instance, suspend the execution of the first sentence, if the party in whose favour it may be, shall give satisfactory security for the payment of such costs and damages, as the court, on rehearing the cause and reversing the decree, may think proper to award. That the judges of the court of appeals be directed to enquire into the reasons which prevented the appeal mentioned in the memorial of Geo. Meade, and if it shall appear to them, upon investigation, that it was not owing to the neglect or default of the said J. W. C. and R. Lake, or their attorney, that the said appeal was not lodged, but to an agreement between the parties, the said judges be empowered to receive the said appeal."

A motion was made by Mr. [Rufus] King, seconded by Mr. [Melancton] Smith, to postpone the consideration of the report, to take up the following:

That the commission of the judges of the court of appeals be vacated and annulled; and that in all causes which have been decided by the court of Appeals, upon application to Congress, within for a rehearing or new trial, the same shall be granted where justice and right may require it.

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Pierse] Long,

New Hampshire,		
Mr. Long,	ay	*
Massachusetts,		
Mr. Holten,	ay	ay
King,	ay	
Rhode Island,		
Mr. Ellery,	ay	*
Connecticut,		
Mr. Cook,	ay	div.
Johnson,	no	
New York,		
Mr. Lawrance,	ay	ay
Smith,	ay	
New Jersey,		
Mr. Houston,	no	no
Dick,	no	
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	no	div.
W. Henry,	ay	
Jackson,	no	
Pettit,	ay	
Maryland,		
Mr. Hindman,	ay	*
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
South Carolina,		
Mr. Pinckney,	no	ay
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	no	ay
Habersham,	ay	
Baldwin,	ay	

So the question was lost.

On motion, *Ordered,* That the report be recommitted.

On motion of Mr. [Melancton] Smith, seconded by Mr. [David] Ramsay,

Resolved, That the Salaries of the judges of the Court of Appeals shall henceforth cease.[1]

Resolved, That the Secretary furnish tickets to each person who is invited to dine with Congress on the 4th of July next and that each member be furnished with two tickets, that the whole be directed to remain without the bar, excepting foreign ministers, Governors or Presidents of States[2]

[1] This motion, in the writing of Melancton Smith, is in the *Papers of the Continental Congress,* No. 36, IV, folio 475.

[2] This report, in the writing of David Ramsay, is in the *Papers of the Continental Congress,* No. 36, III, folio 65. The indorsement states that on this day it was referred to the Secretary of Congress to take order.

SATURDAY, JULY 2, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, South Carolina and Georgia.

According to Order, Don Diego Gardoqui, Encargado de Negocios of Spain, was admitted to an Audience.

Being introduced by the Secretary for foreign affairs, and announced to Congress, he delivered a letter of Credence from his Catholic Majesty, a translation of which was read as follows:

To our great and well beloved friends the United States of North America.

GREAT AND WELL BELOVED FRIENDS,—Desiring to give you proofs of the good will and consideration with which we regard you, and to provide that our respective subjects should enjoy from their mutual intercourse and commerce, all the benefit which can be produced thereby, I have named the commissary of my royal Armies, Don Diego Gardoqui, to go and reside near you in quality of my Encargado de Negocios, on account of the satisfaction I have in his good conduct. I hope he will avail himself of it, to render himself acceptable, and that you will give entire faith and credit to all that in my name he shall say to you; and that you will admit and treat him in a manner consistent with your good correspondence. I pray God, Great and well beloved friends, to preserve you in his holy keeping.

Your good friend,

(Signed) CARLOS.
And underneath, JOSEPH MONINO.

St. Ildefonso, 27 September, 1784.

He also delivered a commission from his Catholic Majesty, giving him the said Don Diego Gardoqui, encargado de Negocios near Congress, full power to treat with the person or persons whom the Congress shall equally authorize, and to adjust and sign whatever articles, compacts and conventions may be conducive to the regulation of the points therein alluded to, and of others which shall be conducive to the

enjoyment of those important and beneficial Objects; and that there may always be and subsist a good understanding, friendship and Union, between the crown of Spain and the United States of North America, with a promise to approve, ratify and fulfil whatsoever shall be by him stipulated and signed.

The translation of this being read to Congress, the Encargado de Negocios addressed Congress as follows:

MR. PRESIDENT,—It gives me very sensible pleasure, from the manner by which I am honored, that the same disposition prevails here which induced my royal Master to send me hither.

Permit me to assure you, Sir, that my best endeavours shall not be wanting, to render the continuance and issue of my mission as satisfactory to both countries, as this commencement will, I hope, give pleasure to the King, my Master, and is agreeable to me.[1]

[2]This Speech being referred to the Secretary for Foreign Affairs to report an answer, on the 6th July he reported the following answer, to be given by him.

OFFICE FOR FOREIGN AFFAIRS, *July 4, 1785.*

SIR, In obedience to the Commands of Congress, I have the honour to assure you, that they consider the Character of the Gentleman whom His Catholick Maj-

[1] The proceedings of the day to this point were entered both in the Public Journal and in the Secret Journal, Foreign Affairs, No. 5, and also in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

[2] From this point to the end of Gardoqui's letter the proceedings are entered only in the manuscript Secret Journal, Foreign Affairs, No. 5, in the writing of Benjamin Bankson, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III. The two letters though dated as above are entered in the Secret Journal before the entry for July 5. The various letters and translations are in No. 81, I, folios 255–273.

On this day also, according to indorsement, was read a letter from the Secretary for Foreign Affairs, dated June 2, enclosing a letter to him from Marquis de Lafayette containing interesting information regarding Europe and America and the introduction of flour in the West Indies. "July 13 The enclosed letter from the Marquis returned to the office for foreign Affairs." Jay's letter is in No. 80, I, folio 205; Lafayette's is in No. 156, folio 408.

esty has charged with his affairs here, as evincive of his Majesty's friendly disposition towards the United States; that they entertain a similar disposition, and will on every occasion unite with you in endeavouring to render the continuance and issue of your Mission satisfactory to both Countries and agreeable to yourself.

I have the honour to be, &c.

Ordered, That the said answer be referred to the Secretary for Foreign Affairs to take order.

On the 8th July the Encargado de Negocios of Spain returned the following answer to the Secretary for the Department of Foreign Affairs.

NEW YORK, *July 8th, 1785.*

SIR, I have received with pleasure the Letter which you were pleased to write me the 7th instant, in which by order of Congress, you assure me of the satisfaction they derive from the friendly disposition of the King, my Master, towards the United States, and that the same will induce them to contribute to render the result satisfactory to both Countries; with respect to which I am authorized by full powers to treat and agree upon the points necessary to be adjusted as being neighbouring powers, and who must have common interests and constant inducements to communication and intercourse. Of this commendable work I am ready to make a beginning. I shall thank you to communicate this to Congress, in order that if it appear proper, they may [make] such arrangements on their part as they may think convenient, and communicate them to me.

I have the honour, &c.

(Signed) DIEGO DE GARDOQUI.

TUESDAY, JULY 5, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia; and from the State of Connecticut, Mr. [William Samuel] Johnson, and from Maryland, Mr. [William] Hindman.

Congress proceeded to the election of a Minister plenipotentiary to the United Netherlands, and, the ballots being taken, John Rutledge, esquire was unanimously elected, having been previously nominated by Mr. [Samuel] Holten.[1]

A letter, of 19 May, from Mr. J. Brown, was read, declining the Office of commissioner for carrying into execution the resolution of 20 December last.

The Com^ee^ of the week to whom was referred a petition signed Maurice Desdevens and dated New York, July 5, 1785, praying payment of a certificate—or other relief, beg leave to report—

That the Board of Treasury take order for paying Maurice Desdevens the Sum of one hundred and eighty three dollars and $^{15}/_{90}$ with interest thereon from April 9, 1776, and take up and cancel a certificate issued to him therefor by Wm. Denning the Commissioner for settling the accounts of the Quartermaster Generals department.[2]

The Committee consisting of M^r^ [William] Ellery, M^r^ [James] Monroe, M^r^ [Richard Dobbs] Spaight and M^r^ [James] Mc Henry, to whom the petitions of Maurice Desdevans were referred, Report.

That it appears from the various applications of Maurice Desdevans, that he requests of Congress, Deficiency of pay, on a resolution of the 31st December 1781, Commutation; Lands promised to those officers who should serve with fidelity during the war; Compensation for his losses in Canada; A brevet of his rank, and the payment of two certificates one for $183^{15}/_{90}$ and the other for $82^{8}/_{90}$ dollars.

On the 18th of October, 1781, Congress resolved, "that the resolution of the 10th of August, 1776, empowering Genl. Schuyler to enquire into

[1] This paragraph was also entered by Benjamin Bankson in the manuscript Secret Journal, Foreign Affairs, No. 5.

[2] This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, II, folio 39. It apparently preceded the reference of the matter to Ellery, Monroe, Spaight and McHenry.

the service and character of Canadian volunteers and to grant them rewards and wages be and hereby is repealed, and that all persons of what character soever who now draw pay or rations in consequence of the said resolution be not entitled to draw pay or rations after the first day of December next Ordered that Mr Desdevans settle with the Comptroller for money and rations due to him in consequence of the resolution aforesaid."

That of course Maurice Desdevans is not entitled to pay or deficiency of pay by the resolution of the 31st December 1781 nor to commutation, nor to the bounty of lands promised to officers who should serve during the war.

It further appears to your committee that Maurice Desdevans was appointed a Captain by General Montgomery, and by agreement with him was to receive 1 dollar and 3 rations per day, and that he employed in various services which he executed with fidelity,

Whereupon, your Committee submit the following resolutions,

That the Secry. at war take order for furnishing Maurice Desdevans with a brevet of Captain.

That upon Maurice Desdevans delivering to the board of treasury two certificates belonging to him one for 82 8/90 and the other for 183 15/90 dollars, the said board take order for paying him the amount thereof with the interest due thereon.[1]

BOARD OF TREASURY, *June 30th 1785.*

SIR, The Ordinance of Congress for putting the department of Finance into Commission required us to report the names and appointments of our clerks. In obedience thereto, we do ourselves the honor to inform Congress that from the 10th day of May we have employed Mr Staats Morris as a clerk in our Office; and finding that he will answer our purpose we this day appointed him a Clerk, and directed him to qualify himself by taking the several oaths, and lodging certificates thereof in the Office of the Secretary of the United States in Congress Assembled as directed by the aforesaid Ordinance.[2]

The Committee &c [Mr. Samuel Hardy, Mr. David Howell, Mr. J[ohn] Henry, Mr. Rufus King and Mr. William Grayson] to whom was

[1] This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 19, II, folio 35. It is indorsed as read July 5 and passed July 26.

[2] This letter, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 140, II, folio 9. According to the indorsement it was read this day.

referred the the letter from John Obail and a memorial from Obediah Robins & C° submit the following report.

That the letter from the said John Obail be referred to the Commissioners on Indian affairs, and the memorial from Obediah Robbins & C° be referred to the Comptroller of the Treasury to report [1]

WEDNESDAY, JULY 6, 1785.

Congress assembled. Present as yesterday.

Congress took into consideration the report of a grand committee, consisting of Mr. [David] Howell, Mr. [Abiel] Foster, Mr. [Rufus] King, Mr. [Joseph Platt] Cook, Mr. [Melancton] Smith, Mr. [John] Beatty, Mr. [Charles] Gardner, Mr. [John] Vining, Mr. [William] Hindman, Mr. [James] Monroe, Mr. [Hugh] Williamson, Mr. [Charles] Pinckney and Mr. [William] Houstoun, on the subject of a money unit.

And on the question, That the money unit of the United States of America be one dollar, the yeas and nays being

[1] This report, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress*, No. 30, folio 363. The indorsement states that it was read this day. Obail, or Captain O'Beal, was also known as Cornplanter.

On this day, as the indorsement states, was read a petition of Jacobus Van Schoonhoven, praying a renewal of a certificate lost or destroyed, and referred to the Board of Treasury to report. It is in No. 42, VIII, folio 89. Committee Book No. 190 says a report was made July 12.

JULY 5: The following committees were appointed: Of the Week: Mr. [James] Wilson, Mr. [David] Howell and Mr. [Charles] Pinckney.

Mr. [James] Monroe, Mr. [David] Ramsay and Mr. [James] Wilson, on the letter of June 11 from Benjamin Hawkins, Andrew Pickens and Joseph Martin, three of the Commissioners for negotiating with the Southern Indians. Thomson has crossed out his memo. that a report was rendered July 12 and noted that the committee was discharged and the "letter returned and filed."

Mr. [William Samuel] Johnson, Mr. [James] Monroe and Mr. [David] Ramsay, on the petition of Mary Wooster for relief, as the Connecticut legislature declines to pay her the seven years' half-pay recommended by Congress. The petition is in the *Papers of the Continental Congress*, No. 42, VIII, folio 334, and a report was rendered July 8. *Committee Book No. 190.*

Also on this day, according to Despatch Book No. 185, a letter of May 24 from Michael Hillegas was read, tendering his resignation as Continental Treasurer, if he cannot be permitted to reside in Philadelphia. It is in No. 78, XII, folio 395.

required by Mr. [David] Howell; Every member answering *ay*, it was

Resolved, That the money unit of the United States of America be one dollar.

Resolved, That the smallest coin be of copper, of which 200 shall pass for one dollar.

Resolved, That the several pieces shall increase in a decimal ratio.[1]

That the Board of Treasury report to Congress the allowances made, or promised to the receiver of Continental taxes by the late Superintendant of Finance. And a statement of the account of such as may have been settled with at the Treasury.[2]

OFFICE FOR FOREIGN AFFAIRS, *July 4th, 1785.*

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Copy of the Convention respecting french and american Consuls.

Reports, That the Convention, of which the above mentioned is a Copy, having been formally executed by french and american Plenipotentiaries, nothing is wanting to perfect that Compact, but the Ratifications Specified in the 16th Article.

The only Question therefore that remains to be decided is, whether Congress ought to ratify this Convention.

To decide this Question properly, it appears necessary—

1st to recur to the Powers and Instructions given to their Minister on this Subject, and enquire whether he has pursued them essentially, and

2d whether in Case of Deviations, they are of such a Nature as to justify a Refusal to ratify.

It is to be observed that on the 25th January, 1782, Congress "*Resolved*, That the Minister Plenipotentiary of the United States at the Court of Versailles, be and is hereby authorized and *instructed*, to

[1] See *ante*, May 13.

[2] This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 26, folio 563. The indorsement, by Thomson, gives it this date and says: "Referred to the Board of treasury to take order." and by Roger Alden "returned 26th July 1785 to report the allowance made to Rec.rs of Continental taxes." Committee Book No. 190 notes that the report was rendered August 29.

enter into a Convention with His Most Christian Majesty, on the part of the United States for the Establishment of Consular Powers and Privileges ACCORDING to the Scheme hereunto subjoined; unless it Shall be deemed by his Most Christian Majesty more expedient that the Same Should be executed in the United States.

That the said Minister Plenipotentiary use *his Discretion* as to the *Words or Arrangement* of the Convention; Confining himself to the *Matter* thereof in ALL RESPECTS, except as to so much of the Sixth Article, as relates to the Erection of a Chapel, taking care that reciprocal Provision be made for the Recognition of the Consuls and Vice Consuls of the United States, and for the Admission of Persons attached to the Consulate to the Priviledges stipulated in the 5th Article, in a manner most conducive to Expedition and free'st from Difficulty."

This is the only Instruction as well as the only Authority given on the Subject, to the American Minister, that your Secretary finds.

SCHEME.	CONVENTION.
Title.	*Title.*
Convention between his Most Christian Majesty and *the United States of North America* for defining and regulating the Functions and Priviledges of Consuls, Vice Consuls, Agents and Commissaries.	Convention between his Most Christian Majesty and the THIRTEEN *United States of North America* for the Purpose of determining and fixing the Functions and Prerogatives of their respective Consuls, Vice Consuls, Agents and Commissaries.

The Stile of the Confederacy being "the United States of America," the Scheme and the Convention are both erroneous so far as they both add the word *North*.

But the Title of the Convention departs essentially from that of the Scheme, in as much as it limits the Compact to the *thirteen* United States of America, and consequently *excludes* from it all such other States as might before the Ratification of it or in future be created by, or become Parties to, the Confederacy;

Whereas the Words in the Title of the Scheme *United States of North America* would if used, have comprehended them all.

SCHEME.	CONVENTION.
1st Article.	*1st Article.*
It shall be the duty of the Consuls of his Most Christian Majesty *to present their Commissions in the first Instance to the United States in Congress assembled* by whom an Act shall be made recognizing them as such. This Act shall be delivered by the Consuls to the Supreme Executive Power of the State or States to which they may be sent. Two Copies of the *Exequatur*, that is a public notification of the Quality of the Consuls, shall thereupon issue from the Supreme Executive Power without Fees or Perquisites of Office, one to be retained by the Consuls, the other to be published in one or more Gazettes. This being done, the Pre-eminences &c. shall be allowed to them &c.	The Consuls and Vice Consuls nominated by his Most Christian Majesty and the United States, Shall be bound to *present their Commissions on their Arrival in the respective States according to the form which shall be there established.* There Shall be delivered to them, without any Charges, the *Exequatur* necessary for the Exercise of their Functions; and on the Exhibition they Shall make of the said *Exequatur* the Governors &c. having Authority in the Ports and Places of their Consulates Shall Cause them to enjoy as Soon as possible and without difficulty the Pre-eminences &c.

The Scheme expressly directs that their Commissions shall in the first Instance *be presented to Congress*, but the Convention by omitting this, seems to intend something else—it indeed directs that they shall *present their Commission on their Arrival in the respective States according to the Form "qui s'y trouvera etablis" which shall be there found established;* but whether established by the *State* or by *Congress* is undecided.

The 2d Articles in both appear to be alike in Substance.

SCHEME.	CONVENTION.
3d Article.	
Consuls and Vice Consuls Shall be Subjects or Citizens of the Power appointing them and interdicted from all Traffic or Commerce for their own or anothers Benefit.	

This article is wholly omitted in the Convention, and that omission is an *Essential*, though perhaps not *in itself* a very important Deviation from the Scheme.

The 4th Article in the Scheme and the 3d in the Convention respecting Agents, differ essentially only in this, that the former has these Words "*nor exact any Fees or Rewards under any pretence whatever*" whereas the latter seems to limit that Prohibition, by these Words "*and without Power to exact from the said Merchants any Duty or Emolument whatever under any Pretext whatsoever.*"

The 5th Article in the Scheme and the 4th in the Convention have no material difference.

SCHEME.	CONVENTION.
6th Article.	
Consuls and Vice-Consuls, in places where there are no Consuls, may have a Chapel in their Houses, for the Celebration of divine Service, according to their Religious Profession. And his Most Christian Majesty and the United States shall cause particular Care to be taken that no Obstacle or Hindrance be thrown in the Way of the funeral Obsequies or Ceremonies observed towards the deceased of either Nation.	

This Article is omitted in the Convention. By the Instruction given to the Minister, that matter seems to have been left to his

Discretion. The Omission however appears important to your Secretary from this Consideration, that although the Catholic Religion may be freely and publicly professed and exercised in the United States, yet the protestant religion has no legal Toleration in France. This Omission therefore is a departure from the Line of Reciprocity.

The 7th Article in the Scheme and the 5th in the Convention are much alike.

The 8th Article in the Scheme and the 6th in the Convention are similar.

The 9th Article in the Scheme and the 7th in the Convention also correspond.

SCHEME.	CONVENTION.
Extract from 10th Article on Average.	*Extract from 8th Article on Average.*
"If a subject of France and a Citizen of the United States be jointly interested in the Cargo, the Damage Shall be Settled by the Tribunals of the Country, not by the Consuls or Vice Consuls. But where Subjects, Citizens of their own Nation are alone interested, the Consul or Vice Consul shall then chuse experienced Persons of their respective Nations to settle the same."	"If a subject of his Most Christian Majesty and a Citizen of the United States are interested in the said Cargo, the Average shall be fixed by the Tribunals of the Country, and, not by the Consuls or Vice Consuls; *and the Tribunals shall admit the Acts and Declarations, if any should have been passed before the said Consuls and Vice Consuls.* But when only the Subjects of their own Nation *or Foreigners* shall be interested, the respective Consuls or Vice Consuls, *and in Case of their Absence or Distance,* THEIR AGENTS *furnished with their Commissions, shall officially* nominate skilful Persons of their said Nation to regulate the Damages and Averages."

The Convention here appears to differ materially from the Scheme in *three* respects:

(1) As it provides for the Admission in Evidence by our Tribunals of Acts and Declarations passed before Consuls and Vice Consuls

respecting the Matter in Controversy, and consequently opens a Door to *exparte* Affidavits.

(2.) The Scheme confines the Jurisdiction of Consuls and Vice Consuls to Cases where none but their own People are concerned; Wheareas the Convention extends it to *Foreigners*.

(3.) The Scheme authorises none but Consuls and Vice Consuls to appoint Persons to settle the Damages in Question; but the Convention makes an ulterior Provision and authorises their Agents ex officio to do it in certain Cases.

The 11th Article in the Scheme and the 9th in the Convention are not materially different.

SCHEME.	CONVENTION.
Extract from 12th Article.	*Extract from 10th Article.*
"They" (Consuls and Vice Consuls) "may cause to be arrested & sequestred every Vessel carrying the Flag of their respective Nations. They may cause to be arrested and detained in the Country, Sailors and Deserters of their respective Nations or cause them to be transported therefrom."	They may cause to be arrested every Vessel carrying the Flag of their respective Nation. They may sequester them, *and even send them back* respectively from the United States to France or from France to the United States. They may Cause to be arrested without Difficulty every *Captain, Master*, Sailor or *Passenger* of their said respective Nation. They may cause to be arrested and detained in the Country the Sailors and Deserters of their respective Nations, or send them back or transport them out of the Country.

These Articles differ in these Respects. The Scheme does not authorise the Consuls *to send Vessels back*, but the Convention does. The Scheme does not authorise them to arrest *Captains and Masters* of Vessels, but the Convention does. The Scheme does not authorise them to arrest *Passengers*, but the Convention does.

SCHEME.	CONVENTION.
13th Article.	*11th* Article.
All offences committed in France by a Citizen of the United States against a Subject of his Most Christian Majesty shall be enquired into and punished according to the Laws of France, those committed in any one of the United States by a Subject of his Most Christian Majesty against a Citizen of the United States, shall be enquired into and punished according to the Laws of such State. But Offences committed in France by a Citizen of the United States against a Citizen of the United States, or committed in any one of the United States by a Subject of his Most Christian Majesty against a Subject of his Most Christian Majesty shall be subject to the Jurisdiction of the Consuls and Vice Consuls of France or the United States as the Case may be.	In cases where the respective Subjects shall have committed any Crime, they shall be amenable to the Judges of the Country.

These two Articles differ in this, that the one in the Scheme gives Cognizance of certain Offenses to Consuls and Vice Consuls, but the one in the Convention give that Cognizance to the Judges of the Country.

The 14th Article in the Scheme and the 12th in the Convention differ only in this, that the former refers certain *Offences*, Disputes and Differences to the Jurisdiction of the Consuls and Vice Consuls, Whereas, the latter is Silent as to *Offences*, and omits making any mention of them.

The 15th Article in the Scheme, and the 13th in the Convention are alike.

SCHEME.

16th Article.

The Subjects of his Most Christian Majesty and the Citizens of the United States shall be exempt from all personal services in the Place of their Residence, either in France or the United States as the Case may be. Whensoever any Person in France or the United States as the Case may be, shall claim any Privilege or Exemption of a Subject of his Most Christian Majesty, or of the United States, before any Judge, Tribunal or Officer whatsoever, a Certificate of the Consul or Vice Consul of the District, containing his Name, Surname, and the Place of his residence, and the Affidavit of the Person claiming such Privilege or Exemption, that he is a Subject of his Most Christian Majesty or of the United States, as the Case may be, shall be sufficient Evidence thereof, unless the contrary shall manifestly appear.

CONVENTION.

14th Article.

The Subjects of his Most Christian Majesty and those of the United States who shall prove that they belong to the Body of their respective Nations, by the Certificate of the Consul or Vice Consul of the District mentioning their Names, Surnames and Place of their Settlement, as inscribed in the Registers of the Consulate, shall not lose, *for any Cause whatever*, in the respective Domains and States *the Quality of Subjects of the Country of which they originally were*, conformable to the 11th Article of the Treaty of Amity and Commerce, of the 6th February 1778, *of which the present Article shall serve as an Interpretation* in Case of Necessity, and the said Subjects respectively shall enjoy in Consequence, Exemption from all personal Service in the Place of their Settlement.

These two Articles vary from each other essentially—*first*, in that the Certificate of the Consul is by the Convention made the *sole* and *conclusive* Proof of Nationality, whereas the Scheme requires also the Affidavit of the Party, and make that joint Evidence conclusive only in Cases where *the contrary shall not manifestly appear*; *secondly*, in that the Convention declares that Persons having such Certificates *shall not lose for any Cause whatever the Quality of Subjects of the Country of which they originally were*, whereas the Scheme by not giving such Operation, to these Certificates, leaves such Persons within the Reach of *Naturalization*.

Thirdly, in that the Convention makes this Article auxiliary to the 6th Article of the Treaty, by declaring that it shall serve as an Interpre-

tation in Case of Necessity, whereas the Scheme does not constitute any Connection between this Article and the Treaty.

There is no Difference between the 17th Article in the Scheme and the 15th in the Convention except that the former refers only to the 3d and 4th Articles of the Treaty, whereas the latter refers to the 2nd, 3rd and 4th.

The Convention contains an Article vizt the 16th, which provides for the Exchange of Ratifications, but there is no such Article in the Scheme.

It appeared proper to your Secretary thus particularly to state the principal Variances between the Scheme and the Convention, that Congress may the more easily judge how far they correspond. The Deviations in Question tho' different in Degrees of Importance, yet seem to be alike in this, that they depart from the *Matter* of the Scheme, and not merely from the Verbage or Arrangement of it.

As Sovereigns treat and act with each other by their Ministers, it becomes essential that the Acts of those Ministers should not be obligatory, until after they are ratified; it being reasonable that the Sovereigns shall have an Opportunity of judging whether their Powers have not been exceeded, and whether their Instructions have been pursued. A Refusal to ratify can therefore be warranted only by one or other of these Principles, vizt either that their Ministers have exceeded the Powers delegated by their Commission, or departed from the Instructions given them to limit and regulate the Exercise and use of those Powers, which are commonly expressed in very general Terms.

Hence it becomes important that the Sovereign refusing to ratify, should be in Capacity to shew clearly what the Powers and Instructions given were, and also that the Treaty or Convention in Question is not conformable thereto.

In the present Case there can be no Difficulty, because all the Power and Authority delegated to the American Minister rest entirely on the Resolution of the 25th of January 1782; which in a few Words so blends his Authority and his Instructions that he could not communicate to the french Minister, the one without the other.

Where an open and general Commission is given, accompanied by private and particular Instructions, the one may be shewn and the other reserved. And though a Departure from such Instructions is good Cause to refuse a Ratification; yet more Difficulties attend such Cases than the present, because the other Party being ignorant of the

Instructions, and relying on the full Powers, treat in full Confidence and Expectation that the Proceedings will be ratified.

But as the french Minister in this Instance knew exactly how far the American Minister could go, and saw plainly that he was not to depart from the *Matter* of the Scheme which accompanied, and was referred to in his Powers and Instructions; they could in Case of essential Deviations, only expect, a Ratification *de Gratia*, and not *de Jure*; and consequently can have no Reason to be dissatisfied in Case it should be declined.

Thus much appeared necessary to observe, in order to shew that Congress have a Right to refuse the Ratification in Question—but whether it would be politic and expedient to do it, are Questions which must be entirely referred to the Wisdom of Congress.

Your Secretary however in Order fully to comply with what he conceived to have been the Intention of Congress in referring the Convention to him, will now proceed to State the several Objections to which in his Opinion it is liable.

The Convention appears well calculated to answer several Purposes; but the most important of them are such, as America has no Interest in promoting. They are these—

1st To provide against Infractions of the french and American Laws of Trade.

2nd To prevent the People of one Country from migrating to the other.

3rd To establish in each other's Country an Influencial Corps of Officers, under one Chief to promote mercantile and political Views.

The *first* of these Objects is clearly evinced by the 10th Article.

The *second* of these Objects though less explicitly, is still sufficiently evident from the 14th Article.

The *third* of these Objects as it respects *mercantile* views is apparent from the general Tenor of the Convention and it appears plain to your Secretary, that a Minister, near Congress, Consuls so placed as to include every Part of the Country in one Consulate or other, Vice Consuls in the principal Ports, and Agents in the less important ones, constitute a Corps, so coherent, so capable of acting jointly and secretly, and so ready to obey the Orders of their Chief, that it cannot fail of being influential in two very important political Respects;—

first in acquiring and communicating Intelligence, and *secondly* in disseminating and impressing such Advices, Sentiments and Opinions,

of Men or Measures, as it may be deemed expedient to diffuse and encourage.

These being the *three* great Purposes which the Convention is calculated to answer; the next Question which naturally occurs is, whether the United States have any such Purposes to answer by establishing such a Corps in France.

As to the 1st, We have no Laws for the Regulation of our Commerce with France, or any of her Dominions, and consequently we want no Provisions or Guards against the Infraction of such Laws.

As to the 2d, We have not the most distant Reason to apprehend or fear that our People will leave us and migrate either to the Kingdom of France or to any of its Territories, and consequently every Restriction or Guard against it must be superfluous and useless.

As to the 3rd, France being a Country in whose Government the People do not participate, where nothing can be printed without previous License, or said without being known, and if disliked, followed with Inconveniences, such a Corps would there be very inefficient for political Purposes. Where the People are perfectly unimportant, every measure to influence their Opinions must be equally so. For *political Purposes* therefore we do not want any such Corps in France.

As to assisting our Merchants, and such other Matters as properly belong to Consuls, they would answer all those Purposes just as well, without these extraordinary Powers, as with them.

Hence it is clear to your Secretary that the *three* great Purposes which the Convention is calculated to answer, are such as the United States have no Interest in promoting. Whether France has any such Purposes to answer in the United States, and how far this Convention may facilitate the pursuit of them, are Questions which the Discernment of Congress renders it unnecessary for your Secretary to discuss.

Your Secretary also Considers this Convention as greatly deficient in Reciprocity, inasmuch as by it we are to admit french Consuls into all our Ports and Places without Exception, whereas no Provision is made for the Admission of ours into any of the Ports, Places and Dominions of his Most Christian Majesty except the Kingdom of France only. He also thinks that the Omission of the Article securing to Consuls the right of worshipping in their own way in Chapels in their Houses, is a Deviation from Reciprocity, especially as that Liberty is not only permitted but established here.

But independent of these *general* Circumstances and Considerations your Secretary thinks the Convention is liable to several strong and *particular* Objections.

When these States assumed a Place among the Nations of the Earth they agreed upon and published to the World the Stile and Title by which they were to be known and called, and your Secretary does not conceive that other Nations are more at Liberty to alter that Stile, than the United States are to alter the Title of his Most Christian, Most Catholic, or any other Majesty in Europe. He therefore thinks that no Act should be ratified by Congress until every Error of this kind is corrected. Though these Matters are very unimportant in themselves, yet they become so as Precedents; one little Liberty unchecked, often smoothing the Way for a greater.

The Convention directs the Consuls on their arrival in the respective States to present their Commissions according to the Forms which shall be there found established. Although the *Word respective* here used, relates to the two Countries, and not to the individual States of which our Confederacy is composed, yet it still is doubtful whether the Form alluded to is to be established by Congress or the State to which they may be sent and at which they may arrive. The like Remarks apply to the Case of Vice Consuls mentioned in the 2nd Article.

In Countries where the Laws alone govern, it should in the Opinion of your Secretary, be an invariable Maxim not to permit any Civil Power to be exercised in it but by the Citizens of the Country legally and Constitutionally authorized thereto; and that as few Persons as possible, should live exempt, in any Respect, from the Jurisdiction of the Laws.

In his Opinion therefore none but the immediate Representatives of Sovereigns ought to have such Exemptions. A Consul is not of that Description. According to the Laws of Nations Embassadors must be received—but that Law does not extend to Consuls, and therefore, every Nation may admit them on their own Terms. It is not easy to assign a good Reason for granting them a full and entire Immunity for their Persons, Papers, Houses, and Servants, other than such as the free Citizens of the Country enjoy—as they are protected by the Laws, they should be subject to them.

But the Convention goes much further. It grants this Immunity not only to Consuls and also to Vice Consuls, but also to all their

different Officers, and in general to all persons attached to the Consulate. Various Abuses, difficult to detect, and still more difficult to correct, would naturally attend such extensive Exemptions from the Process and Jurisdiction of our Laws; which can only proceed in one open plain direct Path, without the Aid of those Detours and Expedients well known and daily practiced in absolute Governments

The 5th Article, respecting calling upon them for Evidence, seems to be an unnecessary Departure from our Laws—Why should Consuls and Vice-Consuls, be called upon to give Evidence in a Manner less formal and less coercive than the first and highest Officers of our Government are.

The 6th and 7th Articles establishing Consular and Vice *consular Chanceries* create an *Imperium in Imperio*, which in several respects must clash with the internal Policy of these States, and with which it is not clear that Congress can authorize any Persons to interfere, such as

(1) Their Officers shall discharge the Functions of Notaries. If by Notaries be intended such as are known in this Country they are public Officers who can only be appointed in the manner prescribed by the Governments of the different States.

(2) All Effects left by deceased Persons (of their Nation) are to be deposited there, and they are to have the *exclusive* Right to inventory, liquidate and sell the moveable Effects &c. so left, so that with respect to these Matters, not only the Executors of the deceased are to be excluded but our Judge of Probate's is to lose his Jurisdiction. And yet consular copies of such Wills and Acts though unknown to our Laws, are to be admitted as Evidence in our Courts.

(3) If a french Merchant having many Goods in Possession and many Debts to pay, should die; his Creditors according to this System, are to have no other Dependence for Payment but the Integrity of the Consul or Vice Consul, who alone can take possession of his Goods. No action can be brought against these Officers nor any Process touching any Thing in their Houses, so that our Courts are so far to lose their jurisdiction, and american Creditors in effect, their Right of Action.

(4) Notes given by french men dying here are put on another Footing from Notes given by our Citizens, with Respect to Evidence. For the Convention demands that the *writing and signing* of them shall be known and certified by *two principal Merchants of his Nation*, which very materially alters our Law on that Subject.

From these and other circumstances it appears that this Convention will make a Strong Line of Separation between french and american Inhabitants in this Country.

The 10th Article needs no Comment. It gives to Consuls as Complete Jurisdiction over french Vessels in our Harbours as any of the King's Officers could exercise over them in the Harbours of France. One Circumstance, however, is very striking and merits much Attention viz: their Power to *arrest Passengers*, which doubtless will be the Case whenever Passengers attempt to come here in a Manner and for Purposes not consistant with the Ordinances against Emigration. And the Power to arrest also the Captains and Masters, is doubtless intended to punish Neglects of those Ordinances, and to render them very circumspect in their conduct relative to Passengers and Cargoes.

How far the Power of arresting and reexporting Sailors and Deserters may operate on Emigrants is not difficult to foresee, as the Consuls are to be the only Judges, and our Courts are excluded from hearing the Complaints of any Persons whom the Consuls may describe by those Appellations.

The 14th Article makes the Certificate of a Consul conclusive Proof of a Man's being a Frenchman and declares that he who shall make *such Proof* shall not lose *for any Cause whatever* the Quality of Subject.

That the manifestation of so important a Fact should depend wholly on such a Certificate; that no Counter Proof should be offered and prevail; is really to make the consular Chancery a Court of Record (and that not only for Judicial Acts but also for Facts) against whose Records and even the Copies of them there can be no averment. This does not comport with the Genius and Spirit of our Constitutions or our Laws, both of which secure to every Inhabitant and Citizen the inestimable Privilege of offering in our Tribunals every Species of legal Evidence that may tend to elucidate the Merits of the Cause before them.

But this is not the only Objection to which this Article is liable—one much more interesting is obvious.

Where such Certificates appear the Person named in them is not to lose *for any Cause whatever* the Quality of Subject so that even legal Naturalization is not to operate as a Cause.

That this is a true Construction of that Clause is evident from its expressly referring to the 11th Article of the Treaty, and declaring that it shall serve as *an Interpretation thereof*. Let us recur to that Article.

After stating the Priviledges which Persons of the two Nations shall

enjoy in each others Country, it thus proceeds—"But it is at the same Time agreed that its Contents shall not effect the Laws made or *that may be made hereafter in France*, against Emigrations, which shall remain in all their Force and Vigour. And the United States on their Part, or any of them shall be at Liberty to enact such Laws relative to that Matter, as to them shall seem proper.

Now let us collect into one point of View the different Parts of the System, from their dispersed Situation in the Treaty and in the Articles of this Convention, and see how it will operate.

The King has a Right to make what Laws he may think proper respecting Navigation and Emigration. Suppose a Law directing that every Passenger shall on his Arrival in America immediately report himself to the Consul or Vice Consul nearest the Place of his Arrival to the End that his Name and Description be entered in the Consular registers.

The 10th Article of the Convention declares that they shall cause to be executed the respective Laws, Ordinances and Rules concerning Navigation, on board the said Vessels, and that they may cause every Passenger to be arrested.

Hence it will appear that every Passenger will be noted and described in their Books before such Passenger can obtain Naturalization—and if he should afterwards obtain it, the 14th Article renders it avoidable by ordaining that "they who shall prove that they belong to the Body of their respective Nations by the Certificate of the Consul or Vice Consul of the District, mentioning their Names, Surnames and Place of their Settlement *as inscribed in the Registers of the Consulate*, shall not lose, *for any Cause whatever* in the respective States and Domains *the Quality of Subjects of the Country of which they originally were.*" And the ame Article proceeds to declare, what is really not the Fact; that this is conformable to the 11th Article of the Treaty; and as if concious that the said Article does not admit of such Construction, it adds that it shall serve as an Interpretation of it—that is, that it shall be so construed in future. That 11th Article does no more than declare the Right of the King to make what Laws he pleases against Emigration, but there is nothing in it which says or seems to say, that his Subjects producing the beforementioned Certificates *shall not for any Cause whatever lose that Quality* in our Country.

Although the true Policy of America does not require, but on the contrary militates against such Conventions, and although your Sec-

retary is of Opinion, that the Convention as it now stands, ought not to be ratified, yet as Congress have proceeded so far in the present Instance, he thinks that Instructions should be sent to their Minister at Versailles to state their Objections to the present Form, and to assure the King of the Readiness of Congress to ratify a Convention made agreeable to the Scheme beforementioned provided an Article be added to limit its Duration to eight or ten Years, in order that Practice and Experience may enable them to judge more accurately of its Merits, than can ever be done of mere theoretical Establishments however apparently expedient.

All which is submitted to the Wisdom of Congress.

JOHN JAY.[1]

THURSDAY, JULY 7, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia; and from Connecticut, Mr. [William Samuel] Johnson; fron New York, Mr. [Melancton] Smith, and from Maryland, Mr. [William] Hindman.

~~A motion was made by Mr. Kean, seconded by Mr. Ramsay,~~

~~That the Grand Committee be directed to govern themselves by the principles of the resolution of Congress of 27~~

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folios 275–303. According to the indorsement it was read July 6, 1785: "Wednesday 13 assigned for Consideration. 40 Copies printed under an injunction of Secrecy. July 10, 1786, Referred back to the Secretary for foreign Affairs to report."

A printed copy of the "Scheme" is in No. 47, folio 261.

JULY 6: The following committees were appointed: Mr. [Elbridge] Gerry, Mr. [William] Ellery and Mr. [James] Wilson, on letter of July 6 from Oliver Pollock. A report was made July 12. Pollock's letter, which gives a statement of his debts and prays the payment of the sums owed him by the United States, is in No. 50, folio 485. *Committee Book No. 190.*

Also, according to Committee Book No. 190, the committee of June 30 on Mr. [James] Monroe's motion respecting facilities was discharged.

Also, the answer to Don Diego Gardoqui's speech, at his public audience, was referred back to the Secretary for Foreign Affairs to take order. This order is entered in Resolve Book No. 123. See *ante*, July 2.

Also, the Secretary for Foreign Affairs was ordered "To revise the ceremonials adopted by Congress and report such alterations as he shall judge proper particularly respecting the individual members of Congress and foreign Ministers."

~~April, 1784; and to call upon the delinquent states to make up their respective quotas of the said 8 millions of Dollars.~~

~~A division of the motion being called for, On the question to agree to the first clause as far as "1784" inclusive, the yeas and nays being required by Mr. Kean,~~

~~*New Hampshire,*~~		
~~Mr. Foster,~~	~~no~~	~~no~~
~~Long,~~	~~no~~	
~~*Massachusetts,*~~		
~~Mr. Holten,~~	~~no~~	~~no~~
~~King,~~	~~no~~	
~~*Rhode Island,*~~		
~~Mr. Ellery,~~	~~ay~~	~~ay~~
~~Howell,~~	~~ay~~	
~~*Connecticut,*~~		
~~Mr. Johnson,~~	~~no~~	~~x~~
~~*New York,*~~		
~~Mr. Smith,~~	~~no~~	~~x~~
~~*New Jersey,*~~		
~~Mr. Dick,~~	~~ay~~	~~div.~~
~~Stewart,~~	~~no~~	
~~*Pennsylvania,*~~		
~~Mr. Gardner,~~	~~no~~	~~no~~
~~Jackson,~~	~~no~~	
~~Pettit,~~	~~no~~	
~~*Maryland,*~~		
~~Mr. Hindman,~~	~~no~~	~~x~~
~~*Virginia,*~~		
~~Mr. Hardy,~~	~~ay~~	~~no~~
~~Monroe,~~	~~no~~	
~~Lee,~~	~~no~~	
~~Grayson,~~	~~no~~	
~~*South Carolina,*~~		
~~Mr. Bull,~~	~~ay~~	~~ay~~
~~Pinckney,~~	~~ay~~	
~~Ramsay,~~	~~ay~~	
~~Kean,~~	~~ay~~	
~~*Georgia,*~~		
~~Mr. Houstoun,~~	~~no~~	~~no~~
~~Baldwin,~~	~~no~~	

~~So the question was lost.~~

On motion of Mr. [David] Howell, seconded by Mr. [Rufus] King,

Resolved, That ~~a committee be appointed~~ the board of treasury be directed to consider and report the most practicable measures for expediting the settlement of the accounts, subsisting betwixt the several States and the ~~Federal Union~~ United States.[1]

[1] This motion, in the writing of David Howell, is in the *Papers of the Continental Congress,* No. 36, III, folio 55. The words lined out so appear in the motion but not in the Journal.

On this day, as the indorsement states, was read a letter of John Allan, dated June 29, forwarding a speech of the Micmac and Penobscot Indians at Passa-

BOARD OF TREASURY, *July 6th, 1785.*

The Board of Treasury to whom was referred the claim of Major Adams formerly Commissary of prisoners at the Port of Elizabeth Town, Report:

That from the report of the War Office of the 3 of June last and the testimonials of General Dayton and other officers, there is reason to presume that the claimant was exposed from the peculiar situation of Elizabeth Town, to contingent expences which by the rules of office could not be admitted on a former settlement,—

That though the benevolent purposes, for which these expences accrued and the demands to which Mr Adams has in consequence exposed himself give a weight to his application for immediate compensation, such is the present state of the finances of the United States (arising from an almost total stagnation in the receipt of taxes) that it is not practicable to pay what might be reasonably found due, without exposing the Treasury to applications, equally well grounded, to which their resources are totally inadequate—

The Board therefore submit to Congress the following Resolve:

That the Comptroller examine the claims of Mr John Adams late Deputy Commissary of Prisoners at the Port of Elizabeth Town for his contingent disbursements whilst at that Port in the execution of his office, and that he be authorised to make him such an allowance for extra expences as he shall judge reasonable.

That a certificate issue for the amount of the accounts so liquidated, redeemable out of the requisition for the year 1785 and bearing an interest of six pct till paid [1]—

[Mr. Charles Pinckney moved] That a Committee be appointed to report to Congress such provision as ~~may~~ ought in their opinion to be made by the United States for the Baron Steuben, late Major General and Inspector General of the Armies of the U. S. in consequence

maquoddy in November 1783, and a wampum belt. A copy of the speech had been forwarded to Congress December 25, 1783. Allan's letter is in No. 58, folio 71.

[1] This report is in the *Papers of the Continental Congress*, No. 138, I, folio 37. The indorsement states that it was read on this day and the question taken and lost July 15, 1785.

On this day, according to Committee Book No. 190, the committee on the letter of Marbois and Chaumont's memorial was discharged and the matter referred to the Board of Treasury whose report, dated July 30, was delivered August 1 and read August 2. It is in the *Papers of the Continental Congress*, No. 138, II, folio 105.

of the relinquishments he made, previous to his entering into their service; and of the important consequences derived from his talents and military experience during the war.[1]

FRIDAY, JULY 8, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia; and from the state of Connecticut, Mr. [William Samuel] Johnson; from Delaware, Mr. [John] Vining, and from Maryland, Mr. [William] Hindman.

A letter, of July 6, from D. Stoddard, was read, stating, that his application to the legislature of Connecticut, pursuant to the resolution of the 12th of July, 1782, had not been complied with, and praying for a final settlement of his accounts.

On motion of Mr. [William Samuel] Johnson, seconded by Mr. [Samuel] Holten,

Ordered, That the said letter, with the papers enclosed, be referred to the Commissioner for settling the accounts of the State of Connecticut against the United States, and that he liquidate and finally settle all the Accounts of the said D. Stoddard with the United States.[2]

[1] This motion, in Pinckney's handwriting, is in the *Papers of the Continental Congress*, No. 164, folio 264. It was, along with the unsettled part of the report of March 17 on Steuben's claim, recommitted on this day to Mr. [David] Howell, Mr. [Elbridge] Gerry, Mr. [Samuel] Hardy, Mr. [William] Grayson and Mr. [James] Wilson. They reported July 13. See *ante*, March 17. To this committee also, according to Committee Book No. 190, was referred "Calonne's letter to Mr de Vergennes, Vergennes letter to Mr de Marbois and two accots."

On this day, according to indorsement, was read a letter of June 1, from John Armstrong, Jr., Secretary of the Supreme Executive Council of Pennsylvania, relative to the Pennsylvania troops on the western frontier. It is in No. 69, II, p. 495.

[2] On this day, according to indorsement, the committee report of June 1 on Thomas Walcott's memorial was again reported, without change, and read. See *ante*, June 1, and *post*, September 28.

The Committee [Mr. John Lawrance, Mr. William Ellery and Mr. Abiel Foster] to whom was referred the Memorial of the Revd Henry Purcell praying that the Commissioner of Accounts in the Southern Department may be directed to settle his accounts as Chaplain to a Brigade and Deputy Judge Advocate, in which Stations he has acted, submit the following Resolution:

Resolved, That the Commissioner for liquidating the Army Accounts in the State of South Carolina be authorized to settle the Accounts of the Revd Henry Purcell ~~and to make him such allowances as have been annexed to the officers in the Army in which he has served by resolution of Congress.~~ and to allow him ——— per month as a compensation for his services during the time he acted as Judge Advocate to the Army in the State of South Carolina.[1]

The Committee [Mr. William Samuel Johnson, Mr. James Monroe and Mr. David Ramsay] to whom was referred the memorial of Mary Wooster relict of the late Brigadier General Wooster stating that her application to the legislature of the state of Connecticut under the resolution of Congress of ——— for the provision therein specified, has not been complied with, and praying for relief agreeably to the resolution of ——— report—

That the Board of Treasury direct the Commissioner of the loan office in the state of Connecticut to pay one half of the amount due her as the widow of the said General Wooster, out of such monies as he shall receive, under the last requisitions of Congress, and the other half out of the money arising from the requisition for the present year.[2]

The Com^ee of the week [Mr. James Wilson, Mr. David Howell and Mr. Charles Pinckney] to whom was referred a petition signed Maurice Desdevens and dated New York 5 July, 1785, praying payment of a certificate—or other relief—beg leave to report—

That the Board of Treasury take order for paying to Maurice Desdevens the Sum of one hundred and eighty three dollars and 15/90, with interest thereon from April 9, 1776, and take up and cancel a

[1] This report, in the writing of John Lawrance, is in the *Papers of the Continental Congress,* No. 19, V, folio 225. The indorsement states that it was read on this day and on May 9, 1786, referred to Mr. [John] Kean, Mr. [Edward] Carrington and Mr. [John] Lawrance.

[2] This report, in the writing of a clerk, is in the *Papers of the Continental Congress,* No. 19, VI, folio 599. The indorsement states that it was read this day. Committee Book No. 191 notes that the report was transferred.

certificate issued to him therefor by Wm Denning the Commissioner for settling the accounts of the Quarter Master Generals department.[1]

OFFICE FOR FOREIGN AFFAIRS, *8th July, 1785.*

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter of this Date which I have just received from Mr. Gardoqui, of which I also enclose a translation,

The Object of this Letter seems to be merely to obtain Information of the Person and Time, with whom, and when he may enter on the Buisness committed to him.

I have the Honor to be etc.[2]

BOARD OF TREASURY, *7 July, 1785.*

The Board of Treasury to whom was referred the Memorial of Increase Carpenter praying for a Renewal of Certain Loan Office Certificates which were by Accident torn to Pieces and the Fragments preserved. Beg leave to Report.[3]

MONDAY, JULY 11, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Pennsylvania, Virginia, South Carolina and Georgia; and from the State of Connecticut, Mr. [William Samuel] Johnson; from New York, Mr. [John] Lansing; from New Jersey, Mr. [Samuel] Dick; from Delaware, Mr. [John] Vining, and from Maryland, Mr. [William] Hindman.

On motion of the delegates for Rhode Island,

[1] This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, II, folio 39. It is undated but, according to Despatch Book No. 185, Desdevens' petition was received July 6.

[2] This letter is in the *Papers of the Continental Congress*, No. 80, I, folio 261. According to indorsement and Committee Book No. 190, it was read this day and referred to Mr. [Elbridge] Gerry, Mr. [James] Monroe and Mr. [William Samuel] Johnson. A report was made July 12.

[3] This report, in the handwriting of a clerk and unsigned, is in the *Papers of the Continental Congress*, No. 138, I, folio 199. According to Thomson's indorsement it was read this day and passed August 19 where the text of the report is incorporated verbatim, except for two minor words, in the Journal.

On this day, according to Committee Book No. 190, a motion of Mr. [William] Ellery "for fixing a time for the States to bring in or lodge their Accts ag^st the United States" was referred to the Board of Treasury to report; also the Board was directed "To consider and report the most practicable measures for expediting the settling of the Accts subsisting bet: the several States and the U. S." The Board reported on Ellery's motion and this direction on July 14.

The Delegates of the State of Rhode Island and Providence Plantations, beg leave to represent to Congress, that the said State in General Assembly June Session A. D. 1785 came to the following resolution

"Whereas there is a large account between Thomas Greene Esqr late deputy Quarter Master General and Commissary of Military Stores and the United States which cannot be settled by the Commissioner of Accounts appointed for this State for want of the proper vouchers; and as it is well known that the said accounts were examined by a Committee appointed by General Gates, at which time the vouchers belonging to said accounts were exhibited but cannot be now found, whereby many of the inhabitants of this State are kept out of their just dues.

Wherefore it is voted and resolved that the Honorable William Ellery and David Howell Esq^rs make immediate application to the Honorable the Continental Congress requesting that a special resolution be passed empowering the aforesaid Commissioner to settle the said accounts on the best evidence that can now be obtained."

And in obeydience to said instruction the Delegates of the State of Rhode Island and Providence Plantations submit the following motion.

Resolved, That the Commissioner, for settling the accounts of the United States with the State of Rhode Island and Providence Plantations, be directed to settle the accounts of Thomas Greene, esq^r late deputy quarter master general and commissary of military stores, with the United States.[1]

On the report of a committee, consisting of Mr. [William] Ellery, Mr. [James] Monroe, Mr. [Jacob] Read and Mr. [Richard Dobbs] Spaight, to whom was referred the last paragraph of a report on Canadian applicants, touching the continuance of Rations,

Resolved, That the subsistence continued by the resolution of the 9th of August, 1783, to the officers of the Regiment lately commanded by brigadier general Hazen, be discontinued to those above the grade of Captain; that it be con-

[1] This motion, in the writing of a clerk, which is indorsed "A Copy from the Original which is sent to the Board of Treasury," is in the *Papers of the Continental Congress,* No. 36, III, folio 57.

tinued to those of and below that grade, who were inhabitants of Canada at the commencement of the late war; and that rations be continued to all Canadian refugees, men, women and children, to the first day of June next, and no longer.[1]

OFFICE FOR FOREIGN AFFAIRS,
July 8th 1785.

The Secretary of the United States for the Department of foreign affairs to whom was referred a Motion of the Honorable Mr Williamson of 9th February last, that your Secretary should enquire into a Report concerning the commercial Agent at the Havanna being concerned in Attempts to smuggle Goods into that Port—Reports.

That not being sooner able to obtain authentic Information on the Subject, he found it necessary to postpone making a Report on that Motion till now.

That on applying for Intelligence respecting this Matter to the Spanish Encargado de Negocios, he says—that he has no official Information about it—but that it was said at the Havanna that—on unloading a Cargo said to be Flour, from a Vessel in which the Agent either came himself as Supercargo, or which was consigned to him—the Casks were place on the Wharf and that on removing them from thence to a Store-House, one of the Casks giving way it appeared to contain contraband Goods. That this Circumstance made much Noise and that the Intendant was obliged to take Notice of it. Whether the Agent was privy to that Attempt to smuggle Goods into that Port; is a Question not decided.

Your Secretary further Reports that he has seen the Agent, and conversed with him on the Subject of the Motion in Question. He possitively denies the Charge and in Proof of his Innocence produced two original Papers from General Galvez with Translations of them

[1] See *ante*, May 2 and June 7.

On this day, according to indorsements, were read two letters of July 4 from Roger Alden accepting the appointment of Deputy Secretary to Congress. They are in the *Papers of the Continental Congress*, No. 78, I, folios 465 and 469.

On this day, according to indorsement, was read the report of the Grand Committee on the requisition for 1785 and Monday, July 18, assigned for its consideration. It is spread upon the Journal on that date. The report read this day was, apparently, the report on the recommitted (June 13) report of April 14 and is in the form of a printed broadside in No. 31, folio 255, indorsed by Thomson, but with manuscript notations thereon by Rufus King.

by Peter Stephen du Ponceau a Notary Public at Philadelphia and certified under his notarial Seal the 17th June last—of both these Papers and their Translations Copies are hereunto subjoined—one of them is a Letter from the General to his Uncle the Minister dated 30 April 1785 introducing and recommending Mr Pollock to him—the other is a Certificate of the good Conduct of Mr Pollock, signed by the General, and dated the 1st May last.

All which is submitted to the Wisdom of Congress.[1]

TUESDAY, JULY 12, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from Connecticut, Mr. [William Samuel] Johnson; from New Jersey, Mr. [Samuel] Dick, and from Delaware, Mr. [John] Vining.

A motion was made by Mr. [Rufus] King, seconded by Mr. [James] Monroe,

That the resolution passed yesterday, empowering the Commissioner for settling the Accounts of the State of Rhode Island with the United States, to settle the accounts of Thomas Greene, be repealed.

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 309. Copies of the enclosures are on folios 312–316. According to indorsement, the report and its accompanying papers were read July 11.

JULY 11: The following committees were appointed:

Of the Week. Mr. [Abraham] Baldwin, Mr. [Elbridge] Gerry and Mr. [Pierse] Long.

Mr. [David] Howell, Mr. [Pierse] Long and Mr. [Charles] Pettit, Mr. [Rufus] King and Mr. [James] Monroe "To revise the regulations of the treasury department and report an Ordinance for its future regulation." A report was rendered August 29. See *ante*, May 30.

Committee Book No. 190.

And on the question for repealing, the yeas and nays being required by Mr. [David] Howell,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Johnson,	ay	*
New York,		
Mr. Smith,	ay	ay
Lansing,	ay	
New Jersey,		
Mr. Dick,	ay	*
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Delaware,		
Mr. Vining,	ay	*
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Monroe,	ay	ay
Lee,	ay	
Grayson,	ay	
South Carolina,		
Mr. Bull,	ay	ay
Pinckney,	ay	
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So it was resolved that the resolution be repealed.

~~On motion of~~

~~Ordered That the board of treasury revise the system adopted for the settlement of the Accounts of the five great department and report such alterations therein or such other mode as in their Opinion may be more conducive to a speedy and just settlement of the said Accounts and that the motion of the delegates for the State of Rhode island respecting the settlement of T. Greene's accounts be referred to the board of treasury.~~[1]

to be transferred to the Comᵉ book

[1] This paragraph is entered, verbatim, by Thomson, in Committee Book No. 190, which notes that the report on the settlement of accounts was rendered January 17, 1786. See *post*, January 13, 1786.

In pursuance of the order of the 30 of June, the Postmaster general reported the terms on which Contracts will be entered into, for the transportation of the mails in stage carriages.

OFFICE FOR FOREIGN AFFAIRS,
8th July, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred the Letter of 27th September last from the King of Spain, Reports—

That in his Opinion an answer of the following Tenor should be written to his Catholic Majesty and sent to the American Chargé des Affaires at his Court to be delivered, Vizt

Great and well beloved Friend:

With great Satisfaction we recd your Majesty's letter of the 27th September last which was presented to us by Don Diego de Gardoqui your Encargado de Negocios on the 2d July.

We consider his Arrival here in that Character as a Proof of your Majestys friendly Disposition towards us; and we received him in a Manner which was dictated by the same Disposition in us towards your Majesty.

Permit us to assure you that we entertain the most sincere Wishes for your Majesty's Health and Happiness, and that our best Endeavours shall not be wanting to ensure and perpetuate to both Countries the Blessings of Concord, mutual Friendship and good Neighbourhood.

We pray God! great and well beloved Friend to preserve you in his holy keeping.

By us the United States in Congress Assembled at the City of New York the 15 Augt one thousand seven hundred and eighty five. Your Majesty's good Friends.

All which is submitted to the Wisdom of Congress.[1]

GENERAL POST OFFICE,
NEW YORK, *July 9th 1785.*

SIR: In Obedience to the Act of Congress dated June 30th 1785, I have made the Enquiry therein directed; and having received the Proposals from the Proprietors of the Stages, now beg Leave to lay them before the United States in Congress assembled.

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 305. According to indorsement it was read July 12, and on August 15 referred back to the Secretary for Foreign Affairs to take order.

Knowing that there was a Competition between the Stages on the Road from this City to Philadelphia, I hoped to take the Advantage of that Circumstance, and get the Business done upon much lower Terms; and for this Purpose sent the letter N°. 1 to the Proprietors of each; but, it seems, a Coalition has been formed, whereby this Intention is frustrated.

N°. 2 contains the Proposals for carrying the Mail between Boston, Albany, and this City;—N° 3, between this City and Philadelphia, and N°. 4 between Philadelphia and Petersburg, or Norfolk, in Virginia; beyond which I do not find that any Stages are established. As these are the *only* Proposals which have been received, or may be expected, they contain "the *best Terms* upon which Contracts may be entered into for the Transportation of the several Mails in the Stage Carriages;" and, therefore, though they contain also *the worst*, it has become my Duty to report them.

I have the Honor to be, very respectfully Your Excellency's most obedient and very humble Servant.

EBEN. HAZARD.[1]

GENERAL POST OFFICE, *July 11th 1785.*

SIR, Since I had the honor of addressing to your Excellency the Report which accompanies this, it has occurred to me that Congress will be unable to determine upon the Expediency or Inexpediency of sending the Mails by Stage for want of that Information which an intimate Acquaintance with Post Office Business alone can furnish and therefore shall take the Liberty of making some Remarks upon the Proposals handed in.

Considering that the Proprietors of the Stages will be put to no additional Expence, or at most a very trifling one, their Demands appears to me to be exorbitant, although, in some Instances, they will carry the Mails for less than it now costs.

Mr. Hall, in his Proposals (N° 2) demands a larger Sum than we now pay for carrying the Mail to Boston by way of Hartford. Our present Expence for one Mail a week is £275. Pennsylvania Currency Pr Ann. Twice a week would therefore cost..... £550.
Mr. Hall's demand is..... £750,
consequently we should sink on this Road..... £200

[1] This report is in the *Papers of the Continental Congress*, No. 61, folio 357. According to indorsement it was read this day and Friday 15th assigned; debated on 15th and Tuesday 19th assigned. See *post*, September 7.

Pr Ann. nor would the Mail be carried more expeditiously than it now is.

His Proposal for the Transportation of the Mails from this City to Albany is worthy of Attention as we shall both save Money by it, and receive Mails from that Quarter more frequently than at present if he can accomplish his Plan, which, he will engage to do.

Between Philadelphia and this City Money will be saved in the Carriage of the Mail, and we shall receive as many Mails in the Week upon Mr Ogdens' Plan (N° 3) as we now do; but the letters will be longer on the Road, even in Summer; and much longer in the Winter; which may be very prejudicial to the mercantile Interest, from whence the Post Office Establishment derives its principal Support. Should a Change upon this part of the Road be adopted, all the Hurry of the Business at Philadelphia, and Part of that at New York, the chief Offices in the States, must be *at Night*; which will be extremely inconvenient; for, as all the Counting houses and Stores will then be shut, the Merchants will have no Opportunity of transacting the Business which their Letters may render necessary, so as [to] answer their Correspondents by Return of Stage, but must wait for the next, which will, in many Cases very materially injure them. The People in the Post Offices, fatigued with the Confinement and Business of the day will be very apt to make Mistakes, however careful and attentive they may be; and the Confinement will be so constant that no Constitution will be able to bear it.

It is true this might be guarded against by allowing them additional Assistance; but then this will encrease the Expence to the Public; and the Expence of extraordinary Firewood and Candles must be superadded; so that I think it will be doubtful, whether, upon the whole, there would be any Thing saved by sending the Mail by Stage on this Road, and the Inconvenience to the Merchants arising from the unsuitable Time of the Mail's Arrival and Departure as well as its being longer on the Road will be certain and inevitable. I am therefore of Opinion that it will be both inexpedient and impolitic to make a Change here, more especially as the present Arrangement is universally satisfactory.

Upon Mr Twining's plan (N° 4) we shall have two mails from Petersburgh, and one from Baltimore weekly, more than we have at present, and the Expence will be upwards of Four hundred Pounds Pr Annum more than it now is; this will, probably, be counterbal-

anced by the additional Number of Letters thrown into the Office, which are now carried by Mr Twining's Stage, and for Pay too, but in such a way as to elude the Ordinance of Congress, and guard against the Consequences of a Prosecution. It must be remarked here, that if Mr Twining's Proposals are agreed to, a cross Post must be maintained between Baltimore and Annapolis or the Capital of Maryland will be left out of the Line of Communication. The Expence of this Post cannot be very great, and as Mr Twining does not appear to insist upon the Stages arriving at any capital Office *at Night*, the Inconvenience arising from transacting Business at unseasonable Hours may be avoided.

Mr Twining has just handed me another Proposal (No 5.) for carrying the Mail from Petersburg to Savanna; but it seems to me to be done more for the Sake of proposing than any Thing else.

Upon the whole, Sir, I am of Opinion that if the Stages can perform according to the Contracts proposed, they may be advantageously employed on the Roads from New York to Albany, and from Philadelphia to Petersburg, but on no other. And here I beg Leave to submit it to your Excellency whether it may not be expedient, and indeed necessary for Congress to recommend to the several States to pass Laws absolutely prohibiting the Carriage of any Letters by Stages on any Post Road now or hereafter to be established, unless such Stages shall be in the service of the General Post Office; and also, refusing to admit to an Entry at the Custom House, any Vessel which may bring letters—either from beyond Sea, or Coastwise, unless the Master or some person for him, shall produce a Certificate from the Post Master General's Deputy at the Port of Arrival (if a Post Office is established at such Port) that the Letters brought by such Vessel have been delivered into the Post Office.

A Communication, by Post, with the Province of Quebec, has been some time in Contemplation; and the British Postmaster General there is ready to concur in such an Establishment. It appears to be an important Object on Account of the Furr Trade and the Letters which pass to and from Europe by the Packets; but as the Ordinance for regulating the Post Office now stands the Postmaster General is not at Liberty to agree to it. I beg Leave to recommend it to the Attention of Congress; and, at the same Time to submit to their Consideration the Terms of a Contract (No 6) for conveying the Mail

from Albany to St John's, proposed by Col. Udny Hay, the Proprietor of the Ferries upon the Lakes, and the carrying Place between them, of whose Attention to Business and Punctuality and Dispatch in executing it, I have had flattering Accounts.

A Post to Fort Pitt is also wanted; and although the Postage would not, perhaps for some Time, defray the Expence necessarily attending the Establishment, Advantages, too obvious to need a Recital, would more than counterbalance the Deficiency.

The Feelings of Humanity concur with the Dictates of Justice in urging me to request that the Case of the Postriders on the Roads where the Stages may be employed, who will be deranged thereby, may not be forgotten. It has always been customary, except in Cases of very singular Misconduct, to give the Riders three Months' Notice of an intended Discharge, that they might have an Opportunity of providing some other Employment; those now in the service have a Claim to Attention, as poor honest Men, who have faithfully done their Duty; if Stages are immediately employed, these Men will not experience as much Lenity as those who are thought unworthy to be continued in the Service; but will be suddenly discharged, and besides being thrown out of Business will be encumbered with the Maintenance of their Horses, or must sell them at a considerable Loss. I have the Honor to be, Your Excellency's most obedient and very humble Servant.

EBEN. HAZARD.[1]

[Motion of Mr David Howell]

That the Board of Treasury be and they are hereby authorized and directed to give orders to the Commissioners for settling the accounts of the great departments to remove their offices from time to time to such places in the several States as in their opinion may be most convenient for settling the accounts of each of their ~~respective~~ departments the resolution of the day notwithstanding, and that they require from them monthly returns of the certificates issued by them ~~and their other proceedings~~ respectively. That the Board of Treasury be directed to revise the System adopted for the settlement of the accounts of the 5 great departments and to report such altera-

[1] This report is in the *Papers of the Continental Congress*, No. 61, folio 361. According to indorsement it was read this day. See *post*, September 7.

tions therein or such other mode as in their opinion may be more conducive to a speedy and just settlement of said accounts.[1]

BOARD OF TREASURY,
New York, July 11th, 1785.

The Board of Treasury to whom was referred the petition of Jacobus Van Schoonhoven beg leave to report.

That Congress by their resolves of the 10th May, 1780, have made effectual provision for remedying the loss of certificates destroyed by accident.

That it does not appear by the certificate of the Loan Officers of the State of New York that the Memorialist has complied with those stipulations which by the aforesaid Act of Congress are necessary to be performed before the Board of Treasury can take cognizance of the premises.

The Board therefore submit to the consideration of Congress the following resolve

That whenever Jacobus Van Schoonhoven shall produce to the Board of Treasury the proofs required by the resolves of Congress of the 10th May, 1780, in the case of Loan Office Certificates destroyed by accident he will be entitled to the remedy provided in the aforesaid resolve.[2]

The committee [Mr. Rufus King, Mr. William Samuel Johnson and Mr. John Beatty] to whom was referred a letter from Mr S. Sayre of the 16th of May together with a report of the secretary of foreign affairs report.

That they have conferred with Mr Sayre, and are entirely satisfied with the report of the secretary of foreign affairs on this subject. Mr Sayre stated to the committee the impracticability of obtaining any information from the commissioners concerning the fact alluded to in the report of the secretary, and relies upon the justice of Congress for an immediate reimbursement of his expences and a reasonable compensation for his services for the five months during which he

[1] This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, III, folio 59. The indorsement states that it was passed this day. According to Despatch Book No. 185, the Board of Treasury reported January 13, 1786.

[2] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 301. According to the indorsement it was read this day and on August 19 ordered to be filed. Schoonhoven's petition dated June 26 is in No. 42, VIII, 89.

remained at Berlin after Mr A. Lee left that court for the purposes of such reimbursement and compensation, the committee submit the following Resolution.

Resolved, That the board of Treasury take order to pay to Mr Stephen Sayre dollars in full for his services and expences during his residence at Berlin after the departure of A. Lee, esquire.

Expences	750.	Dols.
Post chaise	250.	do.
Secretary	55.	do.
Salary		
Interest	(1)	

The Committee of the week [Mr. James Wilson, Mr. David Howell and Mr. Charles Pinckney] to whom was referred a letter signed L'Eglize offering information touching the claims of Canadian refugees report that said letter be referred to the commissioner for settling the accounts of the State of New York.[2]

The Committee consisting of Mr [Elbridge] Gerry, Mr [William] Ellery and Mr [James] Wilson, to whom was referred a petition and sundry papers of Mr Oliver Pollock, late agent of the United States at the Havannah, submit the following report:

That by a certificate from the register's office, and by the translation of a letter of the 27th of April, 1785, from General Galvez, to Mr Pollock, it appears that there is due to the latter, seventy four thousand and eighty seven dollars, which General Galvez, formerly

[1] This report, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 19, V, folio 291. The indorsement states that it was read on this day. Committee Book No. 191 states that the report was filed. See *ante*, May 17.

[2] This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, III, folio 61. The indorsement states that it was passed this day. Committee Book No. 190 notes that the New York Commissioner was directed to examine the claims of Canadians.

On this day, as the indorsement indicates, was read a memorial of William Thompson on the obstructions in the way of prosecuting Roger Wolcott who was concerned in counterfeit certificates. It was referred to the Board of Treasury to ascertain the facts and report thereon. It is in No. 41, X, folio 209. Committee Book No. 190 says a report was made August 25 and Committee Book No. 191 says the report was transferred.

Also a petition of John Taylor Gilman, praying compensation to his father, a Loan Officer in New Hampshire, which was referred to the Board of Treasury to report. It is in No. 42, III, folio 268, Committee Book No. 191 says that the report was made August 16 and filed.

Governor of the Havannah, and now viceroy of Mexico, understands to be a debt contracted by the United States; and there is also due to Mr Pollock, the further sum of nine thousand six hundred and six 55/90 dollars, for interest of the said debt.

That by the translation of a certificate from Don Lewis Serrano, notary, &c of his Catholic Majesty, in the Havannah, it appears that Mr Pollock has bound himself to pay the aforesaid sum of 74,087 dollars to seignior commissario ordinador Don Diego Gardoqui, plenipotentiary of his Catholic Majesty to the United States, on his arrival in America, together with other additional sums, to a considerable amount, whereupon

Resolved, That the debt of 74,087. dollars, due to Mr Oliver Pollock, be discharged as soon as the State of the treasury will admit thereof; and that Mr Pollock be required previously to produce from Don Diego Gardoqui a certificate indemnifying the United States from any future demands on account of the said debt.

Resolved, That the Board of treasury be directed to pay the interest of the said debt, amounting to 9,606 55/90 Dollars, to Mr Pollock without delay.[1]

WEDNESDAY, JULY 13, 1785.

Congress assembled. Present, as yesterday.

The Secretary to the United States of America for the department of foreign Affairs, having communicated to Congress, a note from the Minister plenipotentiary of the United Netherlands, accompanied with two Commissions from their High Mightinesses the Lords, the States general of the

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, V, folio 199; a printed copy is in No. 50, folio 15. The indorsement states that it was read this day and Tuesday July 19 assigned for its consideration. Committee Book No. 191 states that the report was transferred.

Also, according to the indorsement, was read a letter from the Secretary for Foreign Affairs on a letter from Mr. Thomas Barclay of April 17 requesting permission to return to America and also reminding Congress of a similar request from Mr. John M. Pintard, February 25. The matter was referred back to the Secretary for Foreign Affairs to report, which he did, according to Committee Book No. 190, on July 13. Jay's letter is in the *Papers of the Continental Congress*, No. 80, I, folio 293. See *post*, July 14.

Also, according to Committee Book No. 190, the committee of July 5 on the letter of Hawkins, Pickens and Martin were this day discharged.

United Netherlands, one appointing Adriaan Valk, to be their Consul for Maryland and Virginia, to reside at Baltimore, and the other appointing Jan Boonen Graves, to be their Consul for North Carolina, South Carolina and Georgia, to reside at Charleston;

Resolved, That the said Commissions be registered in the Office of the Secretary of Congress, and that thereupon Acts of Recognition in due form be immediately issued to the states in question, in order that they may furnish the said consuls respectively with their exequatur or Notification of their quality, that the same may be made known and published.[1]

Congress took into consideration the report of a committee, consisting of Mr. [James] Monroe, Mr. [Richard Dobbs] Spaight, Mr. [William] Houstoun, Mr. [William Samuel] Johnson and Mr. [Rufus] King, on a motion of Mr. [James] Monroe, for vesting the United States in Congress assembled, with the power of regulating trade, and the same being read,[2]

Ordered, That it be referred to a committee of the whole.

Congress was then resolved into a committee of the whole. Mr. [Samuel] Holten was elected to the chair.

The president resumed the chair, and Mr. [Samuel] Holten reported, that the committee of the whole have had under consideration the subject referred to them, but not having come to a conclusion, desire leave to sit again to Morrow:

Resolved, That leave be granted.

The Committee [consisting of Mr. David Howell, Mr. Elbridge Gerry, Mr. Samuel Hardy, Mr. William Grayson and Mr. James

[1] These two paragraphs were also entered in the manuscript Secret Journal, Foreign Affairs, No. 5. Jay's report, dated July 13, is in the *Papers of the Continental Congress,* No. 81, I, folio 323. The resolve adopted is identical, with slight verbal variation, with that recommended in the report. "The Commissions and Note with the Translations were transmitted July 15, 1785 to the Office for foreign Affairs."

[2] See *ante,* March 28.

Wilson] to whom was recommitted a report on a Letter from Baron de Steuben dated New York February 5th 1785 and to whom was committed a Motion of Mr. [Charles] Pinckney on the same subject, beg leave to submit the following report

That in full consideration of the Baron de Steuben's having relinquished different posts of Honour and emolument in Europe and rendered to the United States most essential services, he be allowed and paid out of the Treasury of the United States the sum of 7,000 ------ dollars; ~~and that for the convenieney of the public Finances this sum be paid at three equal instalments the first to be paid on the day of the second on the day of and the third the day of~~ in addition to former grants.[1]

The Committee [Mr. David Howell, Mr. Samuel Dick and Mr. John Lawrance] to whom was referred the petition of Marianne McClure submit the following report.

That the petition and account of Marianne McClure be referred to the Commissioners for settling the accounts of the State of New York.[2]

The Comee [Mr. David Howell, Mr. Samuel Dick and Mr. John Lawrance] to whom was referred the petition of S. D. Chenaux report That the Comee be discharged and that the petition be referred to the Board of Treasury to report.[3]

The Delegates in Congress from the State of Pennsylvania having received Instructions from the President and Supreme Executive Council of the said State to make Instant and earnest Application to the Minister of Spain for Redress of an Injury done to a Citizen of Philadelphia by the Conduct of Captain Morales in receiving on Board a Spanish Frigate and Conveying away an indented Servant the property of Mr. Thomas Shields.

[1] This report is in the *Papers of the Continental Congress*, No. 19, V, folio 535. It is indorsed as read this day and passed September 27. The sum of 7,000 dollars was first written as 8,000 and marked over. See *ante*, July 7.

[2] This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, IV, folio 7. The indorsement states that it was passed on this day. Committee Book No. 191 states that the action recommended was taken July 14.

[3] This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, II, folio 127. It was passed this day and the action recommended was taken July 14. The name is variously written by Thomson as Duchenceaux and Du Cheneau. See *ante*, March 23.

And the said Delegates conceiving that such Application cannot with Propriety be made, but by Order of Congress or by one of their Ministers or Servants:

It is therefore moved, That Congress will be pleased to cause Application to be made to the Minister of Spain for Redress of the Injury complained of by Mr. Thomas Shields a Citizen of Pennsylvania.[1]

THURSDAY, JULY 14, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of New Jersey, Mr. [Samuel] Dick, and from Delaware, Mr. [John] Vining.

The Secretary to the United States of America for the department of foreign affairs, to whom was referred his letter of the 12, enclosing a letter, of the 17th of April, from Mr. Thomas Barclay, containing a request for permission to return to America, having reported,

That for the reasons urged by Mr. Barclay, collectively considered, it would not be improper to permit him to come

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[1] This motion, in the writing of Charles Pettit, is in the *Papers of the Continental Congress*, No. 81, I, folio 331. According to indorsement it was made this day and referred to the Secretary for Foreign Affairs to report. Committee Book No. 190 states that he reported August 16. The papers in the case are in No. 80, I, folios 329–351.

On this day, according to indorsement, was read a report of July 13 from the Secretary for Foreign Affairs on the applications for leave of absence from John M. Pintard and Thomas Barclay. The recommendation of the Secretary was adopted verbatim July 14, excepting a phrase regarding the winter season which Thomson crossed out in the report. Jay's report is in the *Papers of the Continental Congress*, No. 81, I, folio 319, and is indorsed by Thomson as agreed to July 14.

Also, according to Committee Book No. 190, a memorial of Jonathan Phillips, of Col. Baldwin's regiment, for pay as an officer and compensation as regimental agent was this day referred to the Secretary at War to report.

Also, according to Committee Book No. 190, the Secretary for Foreign Affairs was directed to take order on his report of the 12th of April 1785, on a memorial of Pierre Rousille. This order and copies of various papers respecting the case are entered in Resolve Book No. 123.

Also, N[icholas] Eveleigh was nominated by Mr. [Charles] Pinckney for Commissioner for the Board of Treasury in the room of Mr. [John Lewis] Gervais.

over next fall, and return early in the Spring; and that the Secretary for the department of foreign Affairs, be directed to write to him accordingly.

Resolved, That Congress agree to the said report.

On the report of the Secretary for foreign Affairs, on a letter of 26 October, 1784, from John Marsden Pintard, Commercial Agent of Congress at Madeira, requesting leave of absence for four or five months,

Resolved, That Mr. Pintard have the leave he requests.[1]

According to Order, Congress went into a committee of the whole.

The Board of Treasury on the motion of the Honorable Mr [David] Howell of the 8 [7] July instant, beg leave to Report.

That the Settlement of the Accounts of the several States with the United States, is in their Opinion an object of the greatest magnitude; and that a longer delay in making the most efficacious Arrangement for attaining this end will tend to destroy the harmony of the Union, and blast all hopes of collecting a General Revenue in any degree adequate to the exigencies of Government.

That the Commissioners appointed in the several States for this purpose are at the same time vested with powers to settle with Individuals

That the Accounts of scarcely any State having been exhibited to the Commissioners, and the Claims of Individuals most urgent for Settlement, no commencement has been made in the Examination of the Accounts of any State (so far as has come to the knowledge of this Board) except those of Connecticut

That altho' the powers vested by Congress in the said Commissioners for settling Accounts with Individuals are as extensive as a regard to the Public Security can possibly admit of (it being in the option of the Commissioner, where Vouchers are not produced, to permit the Claimant to Substantiate his Demand on Oath) embarassments and delays have unavoidably arisen in the Execution of this Trust, owing in a great degree to the caution which a faithful Officer will ever excercise in disposing, on his mere Judgement, of the property of the Public.

[1] The resolutions with reference to Barclay and Pintard were also entered in the manuscript Secret Journal, Foreign Affairs, No. 5, by Benjamin Bankson.

That the principle would inevitably operate in a far more powerful degree in liquidating the Accounts of the several States with the United States from the magnitude and complicated nature of the Accounts, the defect in numerous instances of general principles of Settlement, and the impracticability of substantiating the Claims of a State (where no vouchers are produced) in the same manner with those of Individuals

That in the Opinion of this Board, it would be inconsistent with those principles of equality which ought to Govern in the settlement of the Accounts of the Individual States with the United States to vest the Commissioners with those extensive powers, in settling the accounts of the State, which they have a right to Exercise in the case of Individuals; since a difference of Judgement in the Commissioners, an inability to resist the influential importunity of the State in which they Act, and the limited point of View in which they must necessarily consider those Claims, which are not supported by the express Resolves of Congress, may so alleviate the burthen of one State at the expence of another, as to introduce a spirit of dissatisfaction, highly injurious to the Peace of the Confederacy.

That to Establish a new Commission to Settle the Accounts of the States, distinct from those of Individuals, would not only Burthen the Public with a heavy additional Expence but expose the Public to the hazard of admitting far greater Claims than they ought to be chargeable with; since in numerous instances, great Advances have been made by several States to Public Officers, and Claims of Individuals against the United States have been Assumed, which can no otherwise be checked than by an uniform Controul in the settlement of Accounts under the Exercise of a single Will—

That a very great progress having been made in the Settlement of the Claims of Individuals throughout the States, the Commissioners will have more leisure than they have heretofore had to take up the State Accounts: and that in case of need an Arrangement may be made for proceeding with the remaining Accounts of Individuals, whilst the attention of the Commissioner is devoted to the settlement of the State Accounts. From these Considerations, the Result of mature Reflection the Board submit to the Judgement of Congress the following Resolves

1st That the Commissioners of Public Accounts in the several States, be directed forthwith to call upon the States, in which they Act, for their Accounts against the United States to the First Day of

January, 1782, and that they devote their unremitted attention to the Examination and Settlement of the same.

2d That, in the admission of Claims, the said Commissioners Govern themselves by the present existing Resolves of Congress, and such others as may be from time to time past and transmitted them by the Board of Treasury; And that they take up the said Accounts in such order as the said Board shall direct.

3d *Resolved,* That if any State shall neglect to furnish its Accounts supported by proper Vouchers to the Commissioner for the space of Twelve Months, after he shall have given Notice in Writing to the Supreme Executive, that he is ready to enter on the duties of his Office: such State shall be precluded the privelege of a Settlement thereof, excepting with the Board of Treasury; And if in the course of two Years after such notice as aforesaid, a complete Settlement is not effected, such State shall be considered as having no Claims against the United States, but shall nevertheless be chargeable with all Advances of Money, or other Articles which may have been made to such State by the United States, and with its deficiency of the several Quotas of Taxes, which have been Assessed on it.

Resolved, That the Commissioners of the Board of Treasury be Authorized either to Appoint, or to permit an Assistant Commissioner to be appointed in such State where the multiplicity of Accounts may render it essential to an expeditious Settlement with a Salary not exceeding Dollars per Annum; And that the Assistant so Appointed having first taken the usual Oaths of Office proceed under the direction of the principal Commissioner to Settle the Accounts of Individuals not hitherto Liquidated.

And Whereas several States in the Union may Claim the privilege of charging the United States with sundry Expenditures alledged to be made for the common Cause, though not supported by the Special Acts of Congress. And it being essential to the peace and Welfare of the Union that such Claims should be Adjusted on uniform principles,

Resolved, That the several States be called upon to Exhibit without Delay to the Board of Treasury their Claims against the United States under the Description above mentioned with such Vouchers, Evidence and Motives of Expenditure, as they may think necessary to support their respective Pretensions; And that if any State shall neglect, within Twelve Months to Exhibit the same, it shall be precluded from all further privilege of exhibiting Accounts, under the description above mentioned.

Resolved, That the Board of Treasury proceed to Examine and arrange such Accounts as are from time to time Exhibited, and that they Report to Congress such principles for determining those Claims, as they shall judge most consistent with general Justice and the Public Interest.

Resolved, That the United States in Congress will after Twelve Months computed from the Fifteenth Day of August next, take up the merits of all pretensions of the several States under the description above mentioned

That the said Accounts shall be finally determined on within Eighteen Months computed from the above Date and the several States after that period be forever precluded from all pretension of Claims under the above Description.[1]

The President resumed the chair, and Mr. [Samuel] Holten reported, that the committee have farther considered the subject referred to them, but not having come to a conclusion, desire leave to sit again.

Resolved, That leave be granted to sit again on Monday next.

FRIDAY, JULY 15, 1785.

Congress assembled. Present, as yesterday.

Congress proceeded to the election of a Surveyor from Delaware, and the ballots being taken, Mr. Mark McCall

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress,* No. 139, folio 37. According to the indorsement, it was read this day and July 20 assigned for its consideration. Howell's motion was made on July 7. See also Ellery's motion of July 8. Committee Book No. 191 states that the report was referred to the Grand Committee but gives no date for the assignment.

On this day, according to indorsement, resolves of the General Assembly of Pennsylvania of April 8, on the memorial of merchants and traders of Philadelphia touching an expansion of the powers of Congress to regulate trade, were referred to the committee of the whole. The Pennsylvania resolves are in No. 69, II, folio 503.

Also was read a letter of June 30, from Governor William Moultrie, acknowledging letters of May 28 and 31 and June 2. It is in No. 72, folio 571.

On this day, according to Committee Book No. 191, the report on the petition of Marianne McClure was passed. See *ante,* July 13. Also the claim of Du Cheneau was similarly acted upon.

was elected, having been previously nominated by the Delegate for Delaware.[1]

SIR: The Pay Master General to whom was referred the note from the Chargé des affaires of his most Christian Majesty dated the 7th of December, 1784, respecting the demands of the heirs of three French Officers who died in the American Service during the War, begs leave to report.

That in the case of Colonel le Radire, it appears that he died in the year 1779 and a restricting clause in the resolution of Congress of the 10th Day of April, 1780, excludes his heirs from the benefit of any depreciation. By a subsequent resolution of August the 8, 1780, in the case of General Maxwell, the reason that may perhaps have influenced Congress will appear to be "That the Officer who had voluntarily quitted the service, had also resigned all pretentions to any reward or benefit arising from his appointment," and the same principles may be also in another resolution of August 12th, 1783, supposed to be extended to the deranged Officers, but as the Officer who has fallen in our service cannot be said to have relinquished any of his rights, & as the heirs of such Officers and Soldiers appear to have a peculiar claim on the public, the following resolution is submitted to the consideration of Congress Vizt:

"*Resolved*, That the resolution of the 10 Day of April, 1780, granting depreciation to the Army, be extended in the same manner and with the same restrictions, as in said Act,to the heirs of such Officers and Soldiers as have died in the service of the United States prior to the passing of said resolution."

That on examination into the state of the debt owing to the heirs of Colonel Malmedy, he finds it to be lately placed on the same footing as those due to the other French Gentlemen who were in the service, which appears to be as much as the United States can at present with propriety perform.

[1] On this day, according to the indorsement, was read a letter from the Secretary at War, dated July 14, recommending the discharge of the troops, under Major Doughty, at West Point. On August 9, the letter was ordered to be filed. It is in the *Papers of the Continental Congress*, No. 150, I, folio 51.

Also, was read, a letter from Lt. Col. Josiah Harmar, of July 1, forwarding returns of troops at Fort McIntosh. It is in No. 163, folio 473.

Also, according to indorsement, the question was this day taken and lost, on the report of the Board of Treasury, read July 7, on John Adams's claim.

That it appears the sum of 226,000 dollars stands charg'd to the late Baron de Kalb, to defray the arrears of Clothing and the expences of the Maryland Line, on their march to the southward, against which has not been opposed any evidences of its expenditure. That the existing acts of Congress appear to require, in the case of loss of papers, the best possible evidence at present to be obtained, the evidence therefore of his Aids de Camp, or of Officers serving under him, ought to be procured prior to its being allowed, especially as it is probable that the money was paid to the regimental Clothiers; to the Q^r Master, Forage Master, and Commissary of his detachment, who must be made accountable to the public.

That an act of Congress of the 24 day of August, 1780, has granted to the Widows or Orphan Children of the Officers who die in the Service, seven years half pay, to be made up by the respective States, which resolution appears to extend to all the Officers in service, but there is no method pointed out, by which the heirs of those Officers who do not belong to any State are to obtain it. The Pay Master General therefore begs leave to submit the same to the consideration of Congress.

I have the Honor to be, with great consideration and respect, your Excellency's most Obedient Servt

JN^o. PIERCE.[1]

N. YORK, July 13, 1785.

[1] This report is in the *Papers of the Continental Congress*, No. 62, folio 79. According to indorsement it was read this day and referred to Mr. [William] Grayson, Mr. [David] Howell and Mr. [Rufus] King, who reported August 3.

Also on this day, according to Committee Book No. 190, a petition of Jedidiah and Daniel Pratt, praying for compensation for a boat lost in 1776, was referred to the Secretary at War to report.

Also, the Postmaster General was directed "To report the number of mails weekly and the time of transportation between the most easterly post Office within the U. S. and Boston, between Boston and New York on the several roads; between N. York and Albany, between New York and Philadelphia, between Philad^a. and Petersburg on the several roads, between Petersburg and Savannah with the am^t in doll^rs of the Salary to the riders distinguishing the terms between the several Offices as above particularised," "Mr. Grayson has this report."

MONDAY, JULY 18, 1785.

Congress assembled. Present, as before.

On motion of the delegates for Massachusetts,

Whereas Mr. Rufus Putnam, appointed a surveyor under the Ordinance of the 20 May, from public engagements with the Commonwealth of Massachusetts, cannot attend the business of his appointment during this year,

Resolved, That Mr. Benjamin Tupper, be, and hereby is appointed a surveyor, with authority to perform the duties of that office, until Mr. Putnam shall actually join the geographer, and take the same upon himself.[1]

On motion of Mr. [James] McHenry,

Ordered, That T. Barclay, commissioner for Accounts in Europe, report to Congress, an Abstract of the settlements he has made of the accounts of the servants of the United States, and others, who have been entrusted with the expenditure of public Monies in Europe.[2]

Congress proceeded to the election of a Surveyor from Connecticut, and, the ballots being taken, Mr. Isaac Sherman was elected, having been previously nominated by the delegates of that State.

Congress took into consideration the report of a grand Committee, consisting of Mr. [David] Howell, Mr. [Abiel] Foster, Mr. [Rufus] King, Mr. [Joseph Platt] Cook, Mr. [Melancton] Smith, Mr. [Samuel] Dick, Mr. [Charles] Pettit, Mr. [William] Hindman, Mr. [James] Monroe, Mr. [Charles]

[1] This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress,* No. 36, III, folio 71.

On this day, according to the indorsement, was read a letter from the Secretary at War, dated July 18, respecting Col. Harmar's corps. It was referred to Mr. [William] Grayson, Mr. [Rufus] King and Mr. [David] Howell, who reported July 20. It is in the *Papers of the Continental Congress,* No. 150, I, folio 55.

[2] This motion, in the writing of James McHenry, is in the *Papers of the Continental Congress,* No. 36, III, folio 73.

Pinckney, and Mr. [Abraham] Baldwin,[1] to whom was recommitted their report on the subject of supplies for the year 1785, which is as follows:

That for the services of the present year, one thousand seven hundred and eighty-five, for the payment of one year's interest on the foreign and domestic debt, and as a provision to discharge the excess of the estimate of April twenty-seventh, one thousand seven hundred and eighty-four, above the proportion of former deficiencies, called for by the resolve of Congress of that date, it will be necessary that the sum of Three Millions of Dollars, in addition to 708,452 dollars, hereafter provided for, be paid into the common treasury, on or before the thirty-first day of December next, to be appropriated to the following purposes:

	Dollars	
Civil department,	122, 331	
Military department,	187, 224. 32	
Marine department,	30, 000	
Indian treaties,	5, 000	
Federal buildings in part of the sum appropriated to that use by the resolution of the 20th December, 1784	30, 000	
Contingencies,	60, 000	
		434, 555. 32
Foreign Debt.		
10,000,000 livres loaned in Holland and guaranteed by France, one year's interest thereon,	74, 074	
24,000,000 ditto, public French loan, one year's interest thereon,	222, 222. 20	
174,000 dollars, Spanish loan, one year's interest thereon,	8, 700	
5,000,000 florins, first Dutch loan, one year's interest thereon,	96, 527. 5	
2,000,000 ditto, second Dutch loan, one year's interest thereon at 4 per cent.	30, 888. 88	
846,710 livres to the farmer's general of France, one year's interest thereon,	7, 840	
3,000,000 ditto, private French loans, one year's interest thereon,	28, 572	
		468, 824. 58

[1] This was the committee appointed June 13.

Liquidated. *Domestic Debt.*		
10,517,380.6 dollars, one year's interest thereon, - - -		631, 042. 6
Loan-office debt.		
3,778,900 dollars issued to the 1st Sept. 1777, equal to specie, one year's interest thereon, - - -	226, 734	
3,459,200 dollars issued between the 1st Sept. 1777, and 1st March, 1778, which sum is subject to a liquidation by the scale, but the interest is payable on the nominal sum, one year's interest thereon, -	207, 540	
5,146,330.8 dollars, specie value of uncancelled loan-office certificates, issued after the 1st March, 1778, one year's interest thereon, - - - -	308, 780. 6	
		743, 054. 6
4,823,724 dollars, estimated amount of certificates issued and to be issued to the lines of Maryland, Virginia, North Carolina, South Carolina and Georgia, one year's interest thereon, - - - - - -		289, 423. 4
1,141,551.5 dollars, excess of the estimate of the 27th of April, 1784, above the sum called for by the resolution of Congress of that date, to complete the first moiety of the requisition for eight millions of dollars, - -		1, 141, 551. 5
Total estimate - - - - - - - -		3, 708, 452
Deduction - - - - - - - - -		708, 452
Balance to be called for - - - - - -		3, 000, 000

Deduct for moneys actually applied towards a discharge of the last year's estimate, and which the sums required from the states last year will replace; and for loans now in the hands of the Dutch commissioners, and hereby appropriated for the purposes of this estimate, 708,452 dollars, and there remains the balance of 3,000,000 of dollars, to be paid into the common treasury, in the course of the present year.

The committee find that, for reasons stated in the resolve of Congress, of the 27th April, 1784, there yet remains a moiety of the requisition for eight millions of dollars, and the whole of the requisition for two millions of dollars, to be applied to the use of the United States, before any new requisition ought to be made: They are therefore of opinion, that the states be called upon, to make actual payment of three quarters of the remaining moiety aforesaid, in the course of the present year.

That the committee have not been able to obtain information how many states have complied with the resolution of February 17th, or

that of April 18th, 1783, relative to a rule, for quotaing federal requisitions: They are therefore of opinion, that the several states which have not decided on that subject, be again solicited to come to a decision thereon, and to send forward the same, as a measure necessary to enable Congress to effect a settlement of accounts with the several states, and to apportion to each a just quota of the public expenses; but, in the mean time, as the public faith renders it the duty of Congress to continue their annual demand for money, the committee are of opinion, that in the apportionment thereof, the several states should be quotaed agreeably to justice, on the best information Congress may, from time to time, have upon the subject. And, upon this principle, recommend to Congress, that the said sum of three millions of dollars, be quotaed upon the several states, as follows, viz.

	Dollars		Dollars
New Hampshire, - -	105, 416	Delaware, - - - -	44, 886
Massachusetts, - -	448, 854	Maryland, - - -	283, 034
Rhode Island and Providence Plantations, -	64, 636	Virginia, - - - -	512, 974
Connecticut, - - -	264, 182	North Carolina, - -	218, 012
New York, - - -	256, 486	South Carolina, - -	192, 366
New Jersey, - - -	166, 716	Georgia, - - -	32, 060
Pennsylvania, - -	410, 378		3, 000, 000

Which sums, when paid, shall be passed to the credit of the states respectively, on the terms prescribed by the resolution of Congress of the 6th day of October, 1779, and together with the moneys relied on to discharge the aforesaid deduction of 708,452 dollars, be applied in conformity with the several appropriations in the preceding part of this report, giving preference according to the order in which they are stated in the estimate.

As more than two thirds of the sum called for, is to be applied to the payment of interest on the domestic debt; the committee are of opinion, that the several legislatures be allowed so to model the collection of the sums called for, that one-third of any sum being paid in actual money, the other two-thirds may be discharged by discounts of interest with the domestic creditors. And to ascertain the evidences of interest to be discounted, the holders of loan-office certificates shall be at liberty to carry them to the office from which they issued, and the holders of other certificates and liquidated debts of the United States, to carry the same to the loan-office of that state

wherein he is an inhabitant, or, if a foreigner, to any loan-office within the United States, and to have the interest due thereon, settled and certified to the last day of the year 1783.

That the commissioners of the board of treasury cause to be made a bank-paper, and thereon to be struck the blank form of a certificate, which shall evidence the interest due as aforesaid, and shall transmit to the several loan-officers, a sufficient number of the same. That the said commissioners furnish the several loan-officers, with such checks and instructions, as they, from time to time, shall judge necessary, to prevent counterfeited certificates of debts from obtaining a settlement of interest, and to the receivers of federal taxes, such checks and instructions as may enable them to detect counterfeit evidences of interest, and thereby to avoid receiving them in discharge of taxes, which certificates of interest being parted with by the holders of the principal, shall be deemed evidence that he has received satisfaction for the same, and therefore shall be receivable from the bearer in lieu of money in the proportion aforesaid, in any other state in the union, as well as in the state in which they were issued. That the state receiving such certificates and paying the same into the public treasury, shall have credit therefor in the proportion aforesaid; which payment shall be considered as a discharge of the interest due on the domestic debt, in the proportion that each state avails itself of the said certificates of interest. And where loan-office certificates issued after the first day of March, 1778, shall be presented to the loan-officer, they shall be reduced to their specie value, conformably to the resolutions of Congress of June 28th, 1780, that specie value expressed on some part of the certificate, and the interest thereon settled and certified as in other cases.

The committee find that the revenue system of April 18th, 1783, hath been adopted in whole or in part, by eleven states; and being of opinion, that it is expedient for Congress still to rely on that plan, which has been so long under reference to the states, and which, after repeated consideration in successive Congresses, has been found preferable to any other system, and conceived necessary to the establishment of the public credit, the committee submit it to Congress, earnestly to recommend to such of the eleven states as have complied only in part, to adopt the same completely; and to the two other states, who have not adopted the plan either in whole or in part, to pass laws as soon as may be in conformity thereto.

The sum quotaed upon the states in the present demand, by providing for the deficiencies of former years, exceed the sum the states were called on for during the last year; but the greater proportion of discount now admitted, will render it less impoverishing to the citizens.

As a motive for the chearful payment of the sum now called for, as well as of the arrearages on that of April 27, 1784, the committee are of opinion, that the states be reminded, that Congress have passed an ordinance for the survey and sale of the western territory of the United States, and that the proceeds thereof will be applied as a sinking fund, to extinguish the principal of the domestic debt. Future requisitions for interest on the domestic debt, will therefore be reduced in proportion as this fund may be rendered productive. And while on this subject, the committee cannot forbear mentioning that of the states claiming western territory, Massachusetts alone has made the expected cession during the last year, they are therefore of opinion, that the subject be again presented to the attention of the states which have not complied with so reasonable a proposition; and that they be once more solicited to consider with candour and liberality, the expectations of their sister states, and the earnest and repeated applications made to them by Congress on this subject.[1]

A motion was made by the delegates of Virginia, to postpone the consideration of the report, in Order to take up the following proposition:

That upon supplies furnished by impressment or otherwise, or services rendered by individuals to the United States, the claims whereof against the United States are by payment of the principal, or other satisfactory compensation, transferred from the individual to the state of which he is a citizen, upon the liquidation of the account by the commissioners of the United States with the state, upon the same principles as if they had not been transferred, the State shall be considered as standing in the place of the individual, and intitled to all the benefits which would otherwise have belonged to him.

[1] This report, in the form of one of the broadside issues of the report printed for the use of the Committee of the Whole, July 14, was pasted into the Journal by Thomson, in lieu of copying the text. See *post*, July 26.

And on the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [James] Monroe,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Holten,	no	no
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Smith,	no	no
Lansing	no	
New Jersey,		
Mr. Dick,	no	*
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Delaware,		
Mr. Vining,	ay	*
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
Grayson,	ay	
South Carolina,		
Mr. Bull,	ay	ay
Pinckney,	ay	
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Habersham,	ay	ay
Baldwin,	ay	

So the question was lost.

A motion was then made by the delegates of Virginia, to postpone the report in order to take up the following proposition, viz.

Whereas the United States are plighted under the act of cession from the State of Virginia, of her claims to territory northwestward of the Ohio, agreeably to the conditions of the said act as therein contained, to reimburse to the said State all her reasonable expences, &c. and as a commissioner is appointed on the part of the United States for the adjustment and liquidation of said accounts; and it is necessary that provision be made for complying with said engagement, it is therefore agreed, that provided they shall be liquidated

during the operation of the requisition for the year 1785, dollars be admitted in discount to the said state for said advances.

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [James] Monroe,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Holten,	no	no
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Smith,	no	no
Lansing,	no	
New Jersey,		
Mr. Dick,	no	*
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Delaware,		
Mr. Vining,	no	*
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
Grayson,	ay	
South Carolina,		
Mr. Bull,	ay	no
Pinckney,	no	
Ramsay,	no	
Kean,	no	
Georgia,		
Mr. Habersham,	ay	div.
Baldwin,	no	

So it passed in the negative.

[Report of the Postmaster General]

General Post Office, *July 18th 1785.*

I have the Honor to hand to your Excellency the Report called for by the Act of Congress of the 15th Instt, and to add to it a Letter received from the Post Rider who travels between Philadelphia and Annapolis. He states the Case truly respecting the horse lost in the Ice, and the Danger his own Life was in, as I learned from other Persons at the Time when the Accident happened; and from the Character of the Man, I have no doubt of the Truth of his Representation respecting the Loss of his other two horses.

Notwithstanding I was informed that both Lines (as they are called) of Stages between Philadelphia and this City had formed a Kind of Union for the Purpose of carrying the Mail and that consequently, no other Proposals need be expected yet others have been handed to me which your Excellency will receive herewith.

I have the Honor to be, Your Excellency's Most obedient humble Servant

EBEN. HAZARD.[1]

WAR OFFICE, *July 14th 1785.*

The Secretary of the United States for the department of war to whom was referred a memorial of captain Jonathan Lawrence junior reports—

That Jonathan Lawrence, junior, esquire, late a captain in the corps of sappers and miners resigned his commission on the 31st November, 1782, as appears on record in this office.

That by the resolutions of Congress of the 3rd and 21st October 1780, granting halfpay for life, it is declared that no officers except those that shall continue in service untill the end of the war or otherwise be deranged before the conclusion thereof shall be entitled to the benefits of the said acts.

Upon this statement of facts your Secretary at war submits to Congress the following resolution:

Resolved, That captain Jonathan Lawrence junior having resigned his commission in the service of the United States before the conclu-

[1] This report is in the *Papers of the Continental Congress*, No. 61, folio 199. It seems to have been read this day, together with its enclosures, which were James Finley's letter to the Postmaster General, 1785, July 14, on folio 203; Charles Bessonett & Company's proposals to carry the mails between New York and Philadelphia, July 14, on folio 195; Letter from the Postmaster General to the Proprietors of the Stages, July 2, on folio 207; Letter from the Postmaster General to Mr. William C. Houston, on folio 211; Memorial of sundry New York merchants on the proposed alteration in the mode of conveying the mails, July 15, on folio 215; Table of mails, time and salary of riders, from Kennebec to Savanna, on folio 228, a duplicate on folio 366, and a Statement of the Register of Treasury, July 18, of receipts and expenditures of the General Post Office for the year 1784, on folio 232.

On this day also, according to Despatch Book No. 185, was read a letter from Samuel Holden Parsons, of July 13, accepting the appointment as Commissioner for settling the accounts of Virginia with the United States. It is in No. 78, XVIII, folio 547.

sion of the late war he cannot be allowed those emoluments promised to the officers who should continue in service to the end of the war.

H. KNOX.[1]

BOARD OF TREASURY, *July 14, 1785.*

SIR: We do ourselves the honor of transmitting to Congress in obedience to their orders a general account of receipts and expenditures for the year 1784.

N° 1 Contains the domestic, N° 2 the foreign receipts and expenditures.

The actual domestic expenditures in 1784 deducting sums paid for anticipations &c of the year 1783 amounts by this State to ..... Dollars..		606, 830. 1
To which add the anticipations of the late Superintendent of Finance		153, 896. 15
Makes total domestic expenditures ..... Doll^{s}..		760, 726. 16
The Foreign expenditures in that year amount to the sum of ..... Dollars..	1, 035, 733	
Deduct amount of Bills drawn in 1783 though discharged in 1784, Florins 1,499,045.8, equal to	578, 798	
Remains Total of Foreign expenditures		456, 935.
Total expenditures in 1784 is ..... Doll^{s}..		1, 217, 661. 16

It is necessary to observe that although under the head of interest in the abstract of foreign expenditures, the interest of the Loan of Ten Million of Livers borrowed of Holland and guaranteed by France is charged as paid, the fact is not so.

The late Superintendent of Finance remitted to Monsr Grand a letter of credit on the Dutch Commissioners for Three hundred thousand florins, which sum he at that time conceived fully adequate to reimburse Monsr Grand's advances to that period, and to enable him to discharge the interest due on the Ten Million Loan in November, 1784. His directions on that head were clear and explicit and the sum appropriated to that object was two hundred Thousand current

[1] This report is in the *Papers of the Continental Congress*, No. 151, folio 67. According to indorsement it was read this day and passed February 2, 1786.

Florins, which at the moderate estimation of one Guilder for two Livers, is Four Hundred Thousand Livers, the amount of the interest on the Ten Million Loan.

By Monsr Grand's letter since received, it appears that at the time the remittances destined for this object came into his hands, he was so far in advance to the United States, that the sums remitted him by Mr Morris were not adequate to reimburse his advances, and pay the complete sum of interest he was directed to discharge, and that in concurrence with Doc^tr Franklin's opinion he had therefore thought it advisable to detain the monies in his hands for further orders. The enclosed letters from Doc^r Franklin and Monsr Grand to which we beg leave to refer Congress will explain this object more fully.

The subordinate accounts for the expenditure of several sums charged by Mon^r Grand (particularly those made by order of Doct^r Franklin amounting to Livres 390,466.17) have not been transmitted. It is not therefore possible for us to specify the objects of Foreign disbursements, more particularly than they are stated in the Abstract, or to ascertain with precision what was the deficiency of public monies in Mon^r Grand's hands necessary to complete the amount of the interest on the Ten Million Livers due in November, 1784. From the tenor of Doc^tr Franklin's Letter to Mon^r Grand we have reason to suppose that it was about Two Hundred Thousand Livers, which sum is not sufficient to discharge the salaries of Foreign Ministers, and other contingent disbursements to which Mon^r Grand is liable for the year 1785.

From this State it appears that no Foreign Interest was paid in the year 1784 except the sum of F 162,824:13 equal to Dollars 62,868. If therefore the Deficiency of interest accrued on the Foreign Debt had been duly paid (which at least amounts to Dollars 431,326) the total expenditures of that year (exclusive of the payment of any domestic Interest) would have been about Dollars 1,648,987.

We cannot conclude without reminding Congress, how inadequate the funds, at the disposal of the Treasury for the year 1784 are to the objects of defraying the charges of Foreign Interest and the Civil Establishment for 1785, much less to make good the deficient payments which ought to have been discharged in the last year.

To accomplish these purposes there will be wanted for 1785 at least Two Millions of Dollars actually paid in Specie.

We flatter ourselves that this consideration will induce the States to adopt immediate and vigorous measures for drawing forth by a

judicious and operative System of Finance, that general revenue which is essentially necessary, not only to the credit but the very existence of the Confederacy.[1]

General Account of Foreign Receipts and Expenditures in the year 1784

Dr

To Messrs Wilhem & Jan Willink, Nicholas & Jacob Van Staphorst & De La Lande & Finje Commissrs of Loans in Holland for so much of the 5 Million Loan:

		Florins	*Dollars*
Received in February	12, 000		
March	12, 000		
April	8, 000		
May	29, 000		
June	72, 000		
July	88, 000		
August	572, 000		
September	209, 000		
October	149, 000		
November	133, 000		
December	204, 000		
		1, 488, 000:	
Of the 2. Million Loan:			
In February	626, 000		
March	470, 000		
April	213, 000		
May	300, 000		
June	144, 000		
July	9, 000		
August	32, 000		
September	53, 000		
October	153, 000		
		2, 000, 000:	
Tobacco: for the nt proceeds of 502 Hhds for the ship *Sally*, Capt: Woodward		98, 278:18	
For Ditto of 20Hhds for the *Four Friends*		4, 277:10	
Florins a $\frac{34}{90}$d$\frac{3}{4}$ each		3, 590, 556:8	=1, 386, 353:87

[1] This letter, signed by Samuel Osgood and Walter Livingston, was, with its accompanying documents, read this day, according to the indorsement. With its enclosures, it is in the *Papers of the Continental Congress*, No. 139, folios 41–49, and Committee Book No. 191 states that it was filed.

		Livers	*Dollars*
To Monsieur Ferdinand Grand, Banker in Paris for the balance in his hands the 31 Decr 1783		131, 671:10:4:	
A Remittance from Messrs Willinks & Compy		165, 900:	
Ditto made by Mr Dana being a set of Exchange drawn by Mr Morris		3, 427:5:	
So much that Mr Dana had no occasion to draw on his letter of credit on going to Petersburgh, and for which the United States were debited in a preceding accot		64, 228: 2:3	
Balance due Mr Grand the 31 Decemr 1784		38, 592:18:9	
Livers at 5ll 8s pr Dollar		403, 819:16:4	74, 781:40
			1, 461, 135:37
To Balance as above in the Hands of Messrs Willinks & Co 31 Decr 1784	Florins	1, 101, 760:	425, 401:70
To Messrs Le Cauteulx & Co for proceeds of 411 Hhds Tobacco by the—*Andrew*	Livers	119, 155:9	22, 065:60
			447, 467:40

Cr

By Messrs Wilhem & Jan Willink, Nicholas & Jacob Van Staphorst & De La Lande & Finje, Commrs of Loans in Holland for sundry expenditures made by them, vizt:

		Florins	*Dollars*
Bills of Exchange drawn by the late Superintendent of Finance to 31 Decr 1783 and discharged in this year		1, 499, 045:8	
Ditto drawn by ditto during this year		264, 319:	
Interest on 3,321,000 Florins to 1 June, 1784	162, 824:13		
For so much ordered into the hands of Monsieur Grand for the payment of the interest on the 10,000,000 livers guarranteed by France due Novemr 1784	283, 900:3	446, 724:16	
Tobacco. pr the Ship *Sally* Capt: Woodward for insurance paid on 450 Hhds Tobacco	3, 253:12	*Florins*	*Dollars*
Pr the *Princess Ulrica* for Premium of Insurance on Tobacco	5, 233:		
Pr the *Four Friends* averidge paid on 20 Hhds Tobacco	66:5:8	8, 552:17:8	

Profit & Loss on the negotiation of Foreign Loan and Subsidies:			
for premium on 1,488,000 F @ 4½ p ct	66, 960		
for Ditto on 2,000,000 @ 7 p ct	140, 000	206, 960:	
His Excellency John Adams, payments to his order and for his use		52, 428:13	
C. W. F. Dumas at the Hague, Ditto		508:7	
Emission of Bills of Exchange drawn by Congress on H. Lawrence Esqr		3, 436:16:8	
John De Neufville & Sons Merchants Amsterdam		4, 050:	
Contingent Expenses		1, 770:10	
David S. Franks, advanced him		1, 000:	
Florins @ 34/90d3/4 each		2, 488, 796:8	960, 952:17
By Monsieur Grand Banker in Paris for sundry expenditures made by him on the orders of Doctor Franklin		*Livers* 390, 466:17:10	
Paid Messrs Fizau Grand & Co their Draft		5, 442: 4:6	
Josiah Harmar		3, 360:	
David Humphreys		3, 600:	
Contingent Expenses		950:14	
Livers at 5.ll 8s pr Dollar		403, 819:16:4	74, 781:40
Balance of Foreign funds unemployed in the hands of Messrs Willinks, Decr 31st 1784 Fls		1, 101, 760:	425, 401:70
			1, 461, 135:37
By Balance as above due Mr Grand the 31 December, 1784		38, 592:18:9	5, 665:2

Registers Office, 11th July, 1785.
for the Register,
Jos. Hardy, *Clk.*

General account of receipts and expenditures of the United States in the year 1784

RECEIVED

Taxes.	New Hampshire	7, 679. 8
	Massachusetts	92, 493. 25
	Rhode Island	7, 385. 50
	Connecticut	9, 705.
	New York	15, 910. 14
	New Jersey	20, 571. 30
	Pennsylvania	83, 739. 12
	Delaware	2, 700.

Taxes. Maryland	53, 567. 12	
Virginia	268, 551. 43	
North Carolina	0, 000. 0	
South Carolina	51, 470. 75	
Georgia	0, 000. 0	
		613, 772. 89
Bills of Exchange: For the net proceeds of sundry Bills drawn by the late Superintendent of Finance—		
On Paris Livres 503,294. 10s.9d		
On Holland Florins 264,319		129, 739. 26
Interest Account: For so much received for discount on Bills of Exchge &c		5, 854. 49
Discharge of German Prisoners: For so much received for the discharge of sundry prisoners		4, 256.
Clothier's Department: For so much received for public goods sold at Auction		18, 077. 60
General Post Office: For so much received of Ebenezer Hazard Post Mr Genl		4, 378. 15
Negotiations in Paper Money: For so much received for 8,740 2/90 ths Paper Dollars, sold at 2 for 1		4, 370. 13
General Account of Tobacco:		
For net proceeds of 28,543lbs tobacco sold Peter Whiteside & Compy	1, 435. 13	
For so much repaid by Thomas Fitzsimmons being part of the Cash advanced him for the purchase of Tobacco	1, 014. 10	
		2, 449. 23
Civil List:		
For amount of bills returned which were remitted on Account of Salaries of Foreign Ministers		34, 756. 63
Daniel Parker & Compy: For so much received from them on account		7, 500.
John Thaxter: For so much received from him		200.
John Pierce Pay Master General: For so much received from him		26, 365. 30
Ceronio Brothers & Nicoleau of Cape Francois: For so much received from them		395. 71
James Read, Pay Master to the Navy: For so much received from him		192. 7
Blaine and Miller: For so much received from them		758. 62
Commission Account: For so much not paid of the Commissions deducted in the quarterly statement on the Sale of Bills of Exchge, the negotiations being made by the Superintendent of Finance		2, 206. 29
		855, 272. 87

PAID

Excess of Payments beyond the Receipts on the 1st Jany 1784 being an Anticipation on the public Credit			230, 002. 42
Civil List for		132, 577. 77	
Marine Department		22, 587. 30	
Civil and Military Staff		4, 631. 18	
Pay Master General		99, 722. 53	
Military and Ordnance Stores		50, 720. 01	
Quarter Master General		64, 942. 65	
Subsistence for the Army		67, 120. 21	
Medical Department		9, 887. 17	
Payment of Old Accounts		23, 273. 66	
Pensions, Annuities and Grants		5, 223. 27	
Indian Affairs		36, 274. 35	
Contingencies		9, 360. 56	
Profit and Loss		1, 334. 22	
Account of Bills protested		6, 549.	
Interest Account		13, 066. 6	
Tobacco Account:			
For so much returned Messrs La Caze & Mallet of monies they had advanced beyond their Receipt of Tobacco	20, 000		
For so much paid Tho. Fitzsimmons on account of 441 Hogsheads of Tobacco, shipd p. the ship *Andrew* for France, the accot Sales whereof have been received and Messrs Le Couteulx & Co of Paris debited for the nt proceeds	22, 416. 11		
For so much paid Daniel Clarke on Accot of his purchases, his Account of the same having been settled at the Treasury	4, 300. 53		
		46, 716. 64	
Commissioners of Loans in Holland:			
For a draft remitted them		5, 501. 16	
For adventure p Brig *Vry Van Dwinglandy*		7, 241. 57	
John Wheelock, President of Dartmouth College: For so much paid him, the same having been received by the Commissioners of Loans in Holland and credited by them in account		100.	
Total Amot of Expenditures in the year 1784			606, 830. 1

Balance remaining in the hands of the Treasurer on the 31st December 1784	18, 440. 44
	855, 272. 87

Registers Office the 27th June 1785.
JOSEPH NOURSE, *Register*.[1]

TUESDAY, JULY 19, 1785.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of New York, Mr. [Melancton] Smith; from New Jersey, Mr. [Samuel] Dick, and from Delaware, Mr. [John] Vining.

Congress resumed the consideration of the report under debate yesterday, ~~And a motion being made to postpone the further consideration of a part thereof, in order to take up a proposition, which was read,~~

July 20 Ordered to be erased.

~~A question of order was moved as follows: When a question is before the house, and it is moved to postpone the further consideration of the said question, in order to take up the consideration of a new proposition, is it in order to propose an amendment to such new proposition before the question for postponing has been determined?~~

~~The President determined that it was in Order.~~

~~An appeal was made to the house, and the question being put, shall the decision of the President be reversed? was lost.~~

and spent some time thereon.

[1] JULY 18: The following committees were appointed:

Of the Week: Mr. [John] Vining, Mr. [Joseph Platt] Cook and Mr. [Elbridge] Gerry.

Mr. [William] Grayson, Mr. [Rufus] King and Mr. [David] Howell, on the letter of July 18 from the Secretary at War, respecting the movement of Col. Josiah Harmar's corps down the Ohio and the expiration of the terms of service of his men. A report was rendered July 20. Knox's letter is in No. 150, I, folio 55.

Committee Book No. 190.

WEDNESDAY, JULY 20, 1785.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of New Hampshire, Mr. [Abiel] Foster; from New York, Mr. [Melancton] Smith; from New Jersey, Mr. [Samuel] Dick, and from Delaware, Mr. [John] Vining.

On motion of the delegates from Maryland,

Resolved, That nothing contained in the Ordinance of the 28 May, 1784, is meant or ought to be construed or considered as annexing to the board of treasury, the salary of Agent of Marine.

The delegates of Maryland then moved, that from and after the date hereof, the board of treasury shall not possess or exercise the power of appointing an assistant and two clerks, with the salary expressed in the resolution of the 6 July, 1781; any thing in the Ordinance of the 28 May, 1784, notwithstanding.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [William] Ellery, that the above be referred to the committee appointed to revise the regulations of the treasury department, and report an Ordinance for its future regulation, and that the committee report without delay:

On the question to agree to this, the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,			*New York,*		
Mr. Foster,	ay	*	Mr. Smith,	ay	*
Massachusetts,			*New Jersey,*		
Mr. Gerry,	ay	ay	Mr. Dick,	no	*
Holten,	ay		*Pennsylvania,*		
King,	ay		Mr. Gardner,	ay	ay
Connecticut,			Jackson,	ay	
Mr. Cook,	ay	ay	*Maryland,*		
Johnson,	ay		Mr. McHenry,	no	no
			Hindman,	no	

Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
Grayson,	ay	
South Carolina,		
Mr. Bull,	ay	div.
Pinckney,	no	
Ramsay,	no	
Kean,	ay	
Georgia,		
Mr. Habersham,	no	div.
Baldwin,	ay	

So the question was lost.

After further debate, the first motion was withdrawn.

On the report of a committee, consisting of Mr. [William] Grayson, Mr. [Rufus] King and Mr. [David] Howell, to whom was referred a letter of 18 from the Secretary at war,

Resolved, That ~~it be and hereby is recommended to~~ lieutenant colonel Harmar, commander of the militia ~~of the state of Pennsylvania~~ in the service of the United States ~~the term of whose enlistment is nearly expiring to~~ use his best endeavours to retain in service, the militia of Pennsylvania and New Jersey under his command, whose terms are nearly expiring, ~~with their present pay and rations~~ until the legislatures of those States shall be in session, and determine on the furnishing of their quota of troops under the resolutions of the 1st, 7th and 12th day of April, 1785.[1]

On the report of a committee ,consisting of Mr. [Rufus] King, Mr. [William] Grayson and Mr. [William] Hindman, to whom were referred a letter of the 17 May, from the Secretary at War,

The Committee [consisting of Mr. Rufus King, Mr. William Grayson and Mr. William Hindman] to whom was referred a motion for the repeal of the resolution of the [4th] day of [November, 1783] concerning the commissary of military stores together with a Letter from the Secretary at war inclosing returns from the Q. M. G. and from the Comy Genl of military stores. report—

[1] The report, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 27, folio 273. The words lined out are so in the report but not in the Journal. See *ante*, May 11 and 17, and *post* July 25.

That as the ordinance regulating the duties of the Secretary at war expressly charges him with the care of all military stores, it is unnecessary longer to continue a seperate department for that purpose, and thereupon submit it, that it be.

Resolved, That the Resolution of the fourth day of November 1783 for continuing in Office the commissary of military stores with necessary assistants until the farther order of Congress, be, and hereby is, repealed.

Resolved, That the Department of Quartemaster General be considered as ceasing, on the day of passing this resolution, and that the Secretary at war and all others concerned govern themselves accordingly.[1]

Resolved, That the resolution of the fourth day of November, 1783, for continuing in Office the commissary of Military stores, with necessary assistants, until the further order of Congress, be, and hereby is repealed.

Ordered, That the remainder of the report be postponed.

That the president be requested to address a Letter to the Mayor of this City informing him that the Debates of Congress being frequently interrupted by the passing of Carriages, Congress are desirous of ordering Chains to be provided for preventing such Interruption during their daily Session, if the Measure is not disagreeable to the police of the City.[2]

[3] On the report of a Committee, consisting of Mr. [Elbridge] Gerry, Mr. [James] Monroe and Mr. [William Samuel] Johnson, to whom was referred a Letter of the 8th from the Secretary for Foreign Affairs, enclosing one of the same date from Don Diego de Gardoqui,

[1] This report, in the writing of Rufus King, is in the *Papers of the Continental Congress,* No. 27, folio 275. According to indorsement it was read this day "first part passed 20 July 2d part postponed 2d part passed 25 July 1785." See *ante,* May 11.

[2] This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress,* No. 36, III, folio 75. On it Thomson has noted: "July 20. 1785 Referred to the President to take Order." A letter was written by Thomson on the matter, July 20, to the Mayor of New York. It is in No. 16, folio 322.

[3] From this point to the end of the day the proceedings were entered only in the manuscript Secret Journal, Foreign Affairs, No. 5, in the writing of Benjamin Bankson, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

Resolved, That the hon^ble^ John Jay, Secretary to the United States of America for the department of Foreign Affairs, be and he hereby is invested with full powers in behalf of the United States of America, to treat, adjust, conclude and sign with Don Diego de Gardoqui, encargado de Negocios of his Catholick Majesty, whatever articles, compacts and Conventions may be necessary for establishing and fixing the boundaries between the territories of the said United States and those of His Catholick Majesty, and for promoting the general harmony and mutual interest of the two Nations.

That the Secretary of Congress report the form of a Commission for the Secretary to the United States of America for the department of Foreign Affairs, similar in substance to the Commission of Don Diego de Gardoqui for the purposes mentioned.

That the Secretary to the United States of America for the department of Foreign Affairs be and he is hereby instructed, previous to his making propositions to Don Diego de Gardoqui, or agreeing with him in any article, compact or Convention, to communicate to Congress the propositions to be made or received relative to such article, compact or Convention.[1]

The Commission of Don Diego de Gardoqui above referred to, is as follows:

(A TRANSLATION.)

Don Carlos, by the Grace of God, King of Castile, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Grenada, of Toledo, of Valencia, of Galicia, of Mallorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algesira, of

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress,* No. 25, II, folio 437.

Gibraltar, of the Canary Islands, of the East and West Indies, Islands and Terra Firma, of the Ocean sea; Arch Duke of Austria, Duke of Burgundy, Brabant and Milan, Count of Apsburg, of Flanders, Tirol, and Barcelona, Lord of Biscay and of Molina, &c.: Whereas there are many and extensive Territories in North America appertaining to my Crown and bordering on others of the United States of the same America, it is very convenient to establish and fix the respective limits, and to regulate those other points on which between friendly powers and nations it is always convenient and necessary to have established regulations, in order to obviate all differences; The good correspondence and harmony which subsists between us and the United States of North America, and the intercourse and Commerce which our respective Subjects have with each other, requiring that the boundaries which shall continue in future should be regulated in the most positive and notorious manner: Wherefore, having entire satisfaction and confidence in you, Don Diego de Gardoqui, Commissary of my Armies, charged with my affairs near the Congress of the said States, on account of your capacity, Understanding and Zeal, I have conferred upon you full power, that with the person or persons whom the said States or their Congress shall equally authorize, you treat, adjust and sign whatever articles, compacts and Conventions may be conducive to the regulation of the points herein alluded to, and of others which shall be conducive to the enjoyment of those important and beneficial objects, and that there may always be and subsist a good undertanding, friendshsip and union, between the Crown of Spain and the United States of North America. I promise on my royal word to approve, ratify and fulfil, and cause to be observed and

fulfilled exactly and entirely whatsoever shall be by you stipulated and signed. In faith whereof I have caused to be despatched these presents, signed with my hand, sealed with my privy Seal, and certified by my underwritten Counsellor of State, my first Secretary for the despatches of State, at St. Ildefonso, the twenty seventh of September, 1784.

I, THE KING.
JOSEPH MONINO.[1]

THURSDAY, JULY 21, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [Samuel] Dick; from Delaware, Mr. [John] Vining, and for North Carolina, Mr. [William] Cumming.

Mr. William Cumming, a delegate from North Carolina, produced credentials of his appointment, by which it appears

[1] On this day, according to Committee Book No. 190, the Committee of April 28 on the Longchamps case was discharged and the business referred to the Secretary for Foreign Affairs to report.

Also on this day, according to indorsement, was read a letter from the Secretary for Foreign Affairs, forwarding a letter of May 11 from the Marquis de Lafayette on Longchamps's case. Lafayette's letter was read in Congress and referred back to the Secretary with all papers in the case, for a report. Jay's letter is in No. 80, I, folio 305, and Lafayette's in No. 156, folio 418. See *ante*, April 28.

JULY 20: The following committees were appointed:

Mr. [Rufus] King, Mr. [Charles] Pinckney, Mr. [William Samuel] Johnson, Mr. [David] Howell and Mr. [James] McHenry, on the "Motion for reduction of civil list. letter 14 May bd of treasy for advancing Salary of their Secy Mem 18 May J. Nourse for increase of Salary. Motion of Mr. Howell to consider and report what reductions may be made in the Salaries or pay of the sd civil list." This committee was renewed March 16, 1786.

Mr. [John] Bull, Mr. [William] Ellery and Mr. [David] Jackson, on a "Petition of officers of the late American regiment to be debited for the money they recd from Doctr Hart and their report on Pierce's letter on the sd subject." This was a renewal of the committee of April 4 on this matter. A report was rendered August 17.

Committee Book No. 190.

that in May, 1784, he was elected to represent the said state for one year, commencing the first Monday in November of that year.

THE STATE OF NORTH CAROLINA

To WILLIAM CUMMING ESQUIRE, Greeting.

WE reposing especial trust and confidence in your fidelity, integrity and abilities DO by these presents, Nominate, Constitute and appoint you the said William Cumming, to be one of our Delegates, to represent us in the Honorable the Congress of the United States of North America for one year to Commence from the first Monday in November next, being Elected for this purpose by Joint ballot of both Houses of our General Assembly now sitting at Hillsborough. TO have, hold, exercise and enjoy all the powers and authorities, together with all the profits & Emoluments which to your Delegation belong and of right appertain, conforming to such Instructions, which you with your Associates may receive from time to time from our General Assembly.

IN TESTIMONY whereof we have caused these our Letters to be made patent. WITNESS Alexander Martin esquire our Governor, Captain General and Commander in Chief, under his hand and our Great Seal hereunto affixed at Hillsborough the thirty first day of May in the year of our Lord One thousand Seven hundred and eighty four, and Eighth year of our Independence.

ALEX: MARTIN.
[With the Great Seal appendant.]

By His Excelly's
Command.
W. WILLIAMS D. Sec.[1]

A motion being made by the delegates for Maryland,

That the board of treasury be directed to give orders for ascertaining the sums due to the commissaries in the State of Maryland, for cattle furnished for the campaign of 1781, which state is hereby authorised to charge such sums, with interest from the time of advancing the same, as part of the

[1] The original is in the *Papers of the Continental Congress*, North Carolina, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, was read this day, but was not entered in the Journal

quota of the state, which may be assigned for the requisition of the year 1785, or any subsequent requisition.[1]

A motion was made to commit the above motion, and on the question to commit, the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	ay	*
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	no	
Rhode Island,		
Mr. Ellery,	no	div.
Howell,	ay	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Smith,	ay	ay
Lansing,	ay	
New Jersey,		
Mr. Dick,	ay	*
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Delaware,		
Mr. Vining,	ay	*
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Monroe,	ay	ay
Lee,	ay	
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Bull,	ay	div.
Pinckney,	no	
Ramsay,	ay	
Kean,	no	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So the question was lost.

STATE OF CONNECTICUT

At a General Assembly of the State of Connecticut holden at Hartford in said State on the second Thursday of May Anno domi 1785.

This day being appointed by Law for the Choice of Delegates [SEAL] to represent the State of Connecticut at the Congress of the United States of America,

PROCLAMATION was made in manner accustomed,—And then the Votes of the Freemen were given into the persons appointed by

[1] This motion, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 36, III, folio 77.

the Assembly to receive, sort and Count them and declare the namse of the persons chosen to the Office aforementioned according to Law, which persons so appointed are, Stephen Mix Mitchel Esqr Mr Asher Miller Mr Simeon Bristol Col^o Christopher Leffingwell Capt David Olmstead M. Elkanah Tisdale and Col. Benjamin Hinman who were all sworn to a faithful discharge of that Trust.

And the Votes of the Freemen being bro't in sorted and Counted, Joseph Platt Cook Esqr Stephen Mix Mitchell Esqr Jonathan Sturges Esqr William Hilhouse Esqr John Treadwell Esqr James Wadsworth Esqr William Samuel Johnson Esqr are chosen and were publicly declared to be Delegates to represent the State of Connecticut in the Congress of the United States of America according to Law.

A true Copy of Record.

Examined
By GEORGE WYLLYS Secr^y [1]

The committee [Mr. Rufus King, Mr. William Samuel Johnson, Mr. William Grayson, Mr. William Ellery and Mr. James Monroe] to whom was referred a motion of the Delegates of Massachusetts for the disqualifying of members of Congress from being appointed to any office of trust or profit under the U. S. ~~during their continuance as members~~ submit the following Resolution.

Resolved, That the election and acceptance of any person as a member of Congress shall for ever hereafter be deemed to incapacitate and disqualify such person from being elected by the U. S. in Congress assembled to any Office of trust or profit under the said states, during the term for which he shall have been so elected a member of Congress.[2]

On the report of the Secretary of Congress, the following form of a Commission for Mr. Jay was agreed to:

The United States in Congress Assembled.

To all who shall see these presents, Greeting:

His Catholic Majesty having by his Encargado de Negocios near Congress expressed his desire to treat and

[1] This was entered in the *Papers of the Continental Congress*, No. 179, *Record of Credentials*, as read this day, but is not entered in the Journal.

[2] This report, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 20, I, folio 183. The indorsement states that it was read on this day and "Postponed 1 feb^y 1786." See *ante*, May 23.

agree with the United States of America upon the points necessary to be adjusted, as being neighboring powers, and who must have common interests and constant inducements to communication and intercourse, and having for that purpose granted plenipotentiary powers to Don Diego de Gardoqui, his said Encargado de Negocios near Congress; and we being equally desirous of promoting the general harmony and mutual interests of the two Nations: For these causes and other good considerations thereto moving, we, reposing special trust and confidence in the integrity, prudence and ability of our trusty and beloved John Jay, Secretary to the United States of America for the department of Foreign Affairs, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him the said John Jay our plenipotentiary; giving and granting to him full powers on behalf of the United States of America to treat, adjust, conclude and sign with the said Don Diego de Gardoqui, Encargado de Negocios of his Catholick Majesty, vested with similar powers, whatever Articles, Compacts and Conventions may be necessary for establishing and fixing the boundaries between the Territories of the said United States and those of his Catholick Majesty, and for promoting the general harmony and mutual interest of the two Nations; and we do hereby promise in good faith to approve, ratify and fulfil, and cause to be observed and fulfilled, exactly and entirely, whatsoever shall be by him our said plenipotentiary stipulated and signed as aforesaid.

In Testimony whereof, we have caused the Seal of the United States to be hereunto affixed. Witness, His Excellency Richard Henry Lee, President, this twenty-first day of July, in the year of our Lord, 1785, and of

the Sovereignty and Independence of the United States of America, the Tenth.[1]

The Board of Treasury to whom was referred the Letter of Ezekiel Forman of the 11th December, 1784, requesting payment of a Treasury Warrant issued in his favor on the 14 of September 1781 for the sum of five hundred and seventy two Dollars 38/90ths. the amount of Flour purchased of him, Beg leave to Report

That the present state of the Finances of the United States not being adequate to the immediate and pressing exigencis of Government, it will be impossible to make provision for the discharge of Mr Forman's Warrant—they therefore submit to the consideration of Congress the following Resolve:

That the warrant issued to Ezekiel Forman on the 14th of September, 1781, for five hundred and seventy two Dollars 38/90ths. shall be paid out of the Requisition of the year 1785, together with the Interest which may accrue thereon from the date of the said warrant to the time of payment—

All which is humbly submitted.

SAMUEL OSGOOD.
WALTER LIVINGSTON.[2]

BOARD OF TREASURY,
July 21st 1785.

FRIDAY, JULY 22, 1875.

Congress assembled. Present as yesterday.

On the report of the board of treasury, to whom was referred a memorial of Francis Dana,

Resolved (by 9 States), That Francis Dana, esqr be allowed the sum of four hundred three dollars and 51/90 on account of the charges of postage accrued whilst he was in a public character in Europe.

[1] This commission was entered only in the manuscript Secret Journal, Foreign Affairs, No. 5, by Benjamin Bankson, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III, and the draft, in the writing of Charles Thomson, is in No. 49, folio 1.

[2] This report in copy form is in the *Papers of the Continental Congress*, No. 138, I, folio 505. According to the indorsement it was referred October 10 to the Board of Treasury to take order.

Resolved (by 9 States), That there be allowed to Francis Dana, Esqr the further sum of three hundred eleven dollars and 23/90 on account of travelling expences whilst he was in a public character, ~~on a special mission~~ and a loss sustained by him on the sale of a carriage intended for his reception at the Court of Petersburg ~~previous to his recall.~~[1]

On motion of Mr. Gerry, seconded by Mr. Hardy,

Resolved, That Mr. Dana be allowed his necessary expense for a private secretary, whilst on his embassy to the court of Petersburgh.[1]

Congress resumed the consideration of the report on the subject of supplies for the year 1785, and the following paragraph being under debate:

"That the several legislatures be allowed so to model the collection of the sums called for, that one third of any sum being paid in actual money, the other two-thirds may be discharged by discounts of interest with the domestic creditors."

A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [William] Grayson, to change "one third," into "two thirds," and "the other two-thirds" into "the other one third."

And on the question to agree to this Amendment, the yeas and nays being required by Mr. [William] Grayson,

New Hampshire,		*Connecticut*,	
Mr. Foster,	no *	Mr. Cook,	no
Massachusetts,		Johnson,	no } no
Mr. Gerry,	no	*New York*,	
King,	no } no	Mr. Smith,	no
Rhode Island,		Lansing,	no } no
Mr. Ellery,	no	*New Jersey*,	
Howell,	no } no	Mr. Dick,	no *

[1] These Dana resolutions were also entered in the manuscript Secret Journal, Foreign Affairs, No. 5, by Benjamin Bankson. They are in the *Papers of the Continental Congress*, No. 36, III, folio 69, in the writing of Elbridge Gerry.

Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	no	
Lee,	ay	
Grayson,	ay	
South Carolina,		
Mr. Bull,	no	no
Pinckney,	ay	
Ramsay,	no	
Kean,	no	
Georgia,		
Mr. Houstoun,	no	no
Habersham,	no	
Baldwin,	no	

So it passed in the negative.[1]

That the Board of Treasury report what "Cautions and Instructions" have been issued to the several Loan Officers to enable them to grant Certificates of Interest payable in Taxes agreeably to the Resolution of Congress of the 28th April 1784; Also what and if any States have availed themselves of the said Certificates in the payment of Taxes whether the Sums paid correspond with the Proportion between them and actual Money as established by the above Resolution.[2]

The Committee [consisting of Mr. John Lawrance, Mr. Samuel Hardy and Mr. William Grayson] to whom was referred the memorial of Samuel Tuder, praying for an advance of 1500 dollars on an unliquidated account, beg leave to submit the following Resolution:

~~That until the accounts of Mr. Samuel Tuder shall have been settled by the proper Commissioner appointed for that purpose, his request cannot be complied with.~~

[1] Also, on this day, according to Committee Book No. 190, a letter dated July 21, 1785, from James Duane, enclosing an act of the Common Council of New York City "respecting throwing chains across the street." It was referred to the Secretary at War to take order. Despatch Book No. 185 notes the Council Act as "allowing chains to be drawn." Copies of Mayor Duane's letter and the Act of the Council, of July 21, are entered in Resolve Book No. 123. See *ante*, July 20.

[2] This motion, in the writing of William Hindman, is in the *Papers of the Continental Congress*, No. 36, III, folio 81. The indorsement states that it was made this day and referred to the Board of Treasury to report; the report dated July 25 was read July 27, 1785. A copy of the resolution is on folio 79 and Thomson has entered it also in Committee Book No. 190.

Resolved, That the memorial of Mr. Samuel Tuder be referred to the Board of Treasury to report.[1]

MONDAY, JULY 25, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of New Hampshire, Mr. [Abiel] Foster; from Connecticut, Mr. [William Samuel] Johnson; from New Jersey, Mr. [Lambert] Cadwallader; from Delaware, Mr. [John] Vining, and from North Carolina, Mr. [William] Cumming.

The delegates for Massachusetts, laid before Congress an Act passed by the legislature of that Commonwealth, on the 2d day of this present Month, entitled,

"An Act authorising and empowering the delegates representing this commonwealth in the United States in Congress assembled, to subscribe and ratify an alteration of part of the eighth Article of the Confederation and perpetual Union of the United States of America." [2]

[1] This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, VI, folio 95. The indorsement states that it was read on this day. The Board of Treasury reported August 29.

On this day, as the indorsement states, was read a letter of November 27, 1784, from R. Wildrich, informing Congress that as "indisposition" prevents his settling in America "he can no longer claim the right of American Citizen." It is in No. 78, XXIV, folio 483.

Also, according to Committee Book No. 190, a petition from Elijah Hunter regarding money stolen from or lost by him in 1779, was referred to Mr. [Melancton] Smith, Mr. [David] Howell and Mr. [Abiel] Foster. This committee was renewed September 6, 1786.

[2] The act is in the *Papers of the Continental Congress*, No. 74, folio 225.

On this day, according to indorsement, was read a letter of July 22 from the Secretary for Foreign Affairs, transmitting an Ordinance of His Most Christian Majesty respecting commerce with the French West India islands, the 12th Article of which "casts light on some parts of the Consular Convention." Jay's letter is in No. 80, I, folio 233; a printed copy of the Arrêt of August 30 is on folio 237 and a translation on folio 249.

On a report from the board of treasury,

BOARD OF TREASURY,
July 22d. 1785.

SIR: We do ourselves the honor of laying before Congress a Letter received by the Board this day from the Treasurer of this State: The Act of the Legislature of New York directs the payment of the Quota of that State on the Requisition of the 27th April, 1784, to be paid into the Treasury of the United States: how far the Resolution of Congress of the 15th April last relative to the future Receipt of Continental Taxes can justify the State Treasurer in deviating from the line of Payment marked out by the Act of the State, it is not for us to determine.

We beg leave to represent to Congress, that as the Loan Officer of the State of New York resides at Albany, great impediments would arise in the Negotiation of the Specie Quota of the Taxes raised in this State on the general Requisitions, if a deviation should be made from the channel of Receipt pointed out by the Act of the State; Exclusive of this it appears to us an unnecessary Expence to pay any Commission on Monies received in the State, where Congress may happen to reside: because the Treasurer of such State can with facility pay in the Taxes to the Continental Treasury, and preserve all those Checks which are necessary on this Transfer. From these Considerations we beg leave to submit to Congress the following Resolve. vizt.

Resolved, That in any state, where the United States in Congress assembled may hold their sessions, the taxes collected in such State, in consequence of the general requisitions and not appropriated for the payment of Interest on the domestic debt, shall in the first instance be paid into the treasury of the United States; any thing in the Resolution of the 15 April last to the contrary notwithstanding.[1]

Congress resumed the Consideration of the report of the Committee on the letter of 17 May, from the Secretary at War; and thereupon,

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 140, II, folio 33. According to the indorsement it was passed this day.

Resolved, That the department of quarter master general, be considered as ceasing on the day of passing this resolution, and that the secretary at War, and all others concerned, govern themselves accordingly.[1]

The Committee of the Week consisting of [Mr. Jacob Read, Mr. Lambert Cadwallader and Mr. William Cumming] to whom was referred, a Letter dated Litchfield July 13th 1785 Signed Oliver Wolcott, making a resignation of his appointment as one of the Commissioners on the part of the United States for Negotiating Treaties with the Indian Nations in the Northern and Eastern department, beg leave to report and recommend that the United States in Congress assembled do accept the resignation of the Said Oliver Wolcott, and that the Secretary of Congress communicate to Mr Wolcott the acceptance of his resignation ~~and inform him that the United States in Congress assembled entertain a high sense of the exertions and services of Mr Wolcott in the execution of his duty as one of the Commissioners for Negotiating Treaties with the Indian Nations in the Northern and Eastern department.~~[2]

TUESDAY, JULY 26, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of

[1] See *ante*, July 20.

[2] This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 607. It is undated but was read this day. The indorsement states "To-morrow assigned." See *post*, July 26, 1785. Wolcott's letter is in No. 78, XXIV, folio 515.

On this day, as the indorsement states, was read a resolution of July 2 of the General Court of Massachusetts relative to the criminality of Samuel Stearns. It is in No. 74, folio 229.

Also a letter of July 21 from Isaac Sherman accepting the appointment of surveyor. It is in No. 78, XXI, folio 405.

JULY 25: The following committee was appointed: Of the Week: Mr. [Jacob] Read, Mr. [Lambert] Cadwallader and Mr. [William] Cumming.

Also, on this day, "The letters from Messrs Adams, Franklin and Jefferson or any of them, excepting what relates to additional powers to be vested in Congress for regulating Commerce" was referred to the Secretary for Foreign Affairs to report. Despatch Book No. 185 gives, page 132, the dates and brief summaries of the contents of these letters.

Committee Book No. 190.

New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

A motion was made by Mr. [James] Monroe, seconded by Mr. [John] Haring, to repeal the resolution passed yesterday directing, "That in any state where the United States in Congress assembled, may hold their sessions, the taxes collected in such state, in consequence of the general requisitions, and not appropriated for the payment of interest on the domestic debt, shall in the first instance be paid into the treasury of the United States, any thing in the resolution of the 15 April last to the contrary notwithstanding," be repealed.

And on the question to agree that the same be repealed, the yeas and nays being required by Mr. [David] Howell,

New Hampshire,		
Mr. Foster,	ay	*
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Howell,	no	*
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Lawrance,	ay	ay
Haring,	ay	
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	*
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Monroe,	ay	ay
Lee,	ay	
North Carolina,		
Mr. Cumming,	no	*
South Carolina,		
Mr. Read,	ay	ay
Bull,	ay	
Pinckney,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So it was resolved in the affirmative.

On the report of the committee of the week, consisting of Mr. [Jacob] Read, Mr. [Lambert] Cadwallader and Mr. [William] Cumming, to whom was referred a letter of the 13 July, from Oliver Wolcott, esq[r] informing, that his domestic affairs are such, as renders it impossible for him to attend the western treaty, and therefore tendering his resignation, and requesting that Congress would be pleased to accept it;

Resolved, That the United States in Congress assembled, do accept the resignation of the said Oliver Wolcott, and that the Secretary of Congress communicate to Mr. Wolcott, the acceptance of his resignation.

On motion of Mr. [Rufus] King, seconded by Mr. [Samuel] Holten,

Resolved, That tomorrow be assigned for electing a Commissioner for negotiating with the Western Indians, in the room of Mr. Wolcott resigned.[1]

The Delegates for the State of New York, laid before Congress a Copy of the laws of the legislature of that State at their last Session, among which are the following Acts:

1. An Act to carry into effect the Act of Congress of the 11th of February, 1785, providing for the settlement of Accounts with the Indian Officers therein named. Passed 3 March, 1785.

2. An Act to vest the United States in Congress assembled, with power to prohibit the importation and exportation of goods, wares, and merchandize, agreeably to their Act of the 30th of April, 1784. Passed the 4 April, 1785.

[1] On this day, according to Committee Book No. 190, Maj. Gen. Robert Howe was nominated by Mr. [Jacob] Read for Commissioner to negotiate with the Western Indians in the room of Mr. Wolcott, resigned. See *post*, August 9.

Mr. Timothy Edwards was nominated by Mr. [Samuel] Holten and his name withdrawn August 26.

Mr. Timothy Pickering was nominated by Mr. [John] Lawrance and withdrawn August 5.

Col. Adam Comstock was nominated by Mr. [David] Howell and withdrawn August 5.

Maj. Gen. [Samuel Holden] Parsons was nominated by Mr. [William Samuel] Johnson. See *post*, September 21.

3. An Act acceding to the recommendation of Congress of the 18th of April, 1783, relative to the eighth Article of Confederation and perpetual Union of the United States of America. Passed 9 April, 1785.

4. An Act to raise troops for the purposes, and in the manner therein mentioned. Passed the 22d April, 1785, pursuant to the resolutions of Congress, of the 1st, 7 and 12 of April.

5. An Act directing the treasurer of this state to pay into the treasury of the United States, 147,734 ⁄₀₀ dollars. Passed the 4 April, 1785.

6. An Act making it felony without benefit of Clergy, to counterfeit, or forge, or pass, knowing the same to be counterfeit, any of the public certificates of the United States, or of this State, or any species of gold or silver money now, or hereafter to be current in this State. Passed the 25 April, 1785 and

7. An Act to authorise the United States in Congress assembled, to appoint Commissioners to complete the running a certain line of jurisdiction therein mentioned, between this state and the commonwealth of Massachusetts. Passed the 7th of March, 1785.[1]

The committee, consisting of Mr. [William] Ellery, Mr. [James] Monroe, Mr. [Richard Dobbs] Spaight and Mr. [James] McHenry, to whom was referred the petitions of Maurice Desdevens, having reported,

That upon Maurice Desdevens' delivering to the board of treasury, two certificates belonging to him, one for 82⁸⁄₀₀ dollars, and the other for 183¹⁵⁄₀₀ dollars, the said board take order for paying him the amount thereof, with the interest due thereon.

Ordered, That this be referred to the board of treasury to take Order.

Congress resumed the consideration of the report on the subject of Supplies for the year 1785, and the following paragraph being under debate, viz.

"As more than two thirds of the sum called for, is to be applied to the payment of interest on the domestic debt, the committee are of

[1] A memorandum of this, in the *Papers of the Continental Congress,* No. 67, folio 497, states that thirteen copies of the laws were presented, one copy for the use of Congress and a copy for the delegation of each state.

opinion, that the several legislatures be allowed so to model the collection of the sums called for, that one third of any sum being paid in Actual money, the other two thirds may be discharged by discounts of interest with domestic creditors; and to ascertain the evidences of interest to be discounted, the holders of the certificates shall be at liberty to carry them to the office from which they issued, and the holders of other certificates and liquidated debts of the United States, to carry them to the loan office of that State, wherein they are inhabitants, or if a foreigner, to any loan office within the United States, and to have the interest due thereon settled and certified to the last day of the year 1784."

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Rufus] King, to add the following provisoes:

"Provided that the commissioner of the continental loan Office in each state, shall not, on any pretence whatever, settle or issue any certificate or certificates, for the interest due on any continental loan office, or other certificate of liquidated debts aforesaid, until such state shall have passed a legislative act for fully complying with this requisition, nor shall he issue any certificate, or take any other measure, whereby the interest may be paid by the state, or a discrimination be made between the holders of loan office certificates, issued from his Office, who are citizens of that State and foreigners, or the citizens of any other state; And any Commissioner, who shall disobey this direction, shall be dismissed from Office by the board of treasury, who are authorised to fill up the vacancy; Provided also, that if any state shall not comply with this requisition, at their next session after the receipt thereof, the commissioner of the continental loan office, in such state, shall transmit to the Continental loan Office of some neighbouring state, which shall have complied, such checks of the certificates issued from his office, and such only as belong to foreigners or to the citizens of any other state, and take receipts for the said checks of the Commissioner receiving them, who is hereby authorised and

directed to pay the interest due to the said foreigners and citizens, pursuant to this requisition; Provided also, that each Commissioner aforesaid be, and he hereby is directed to administer an oath, agreeably to the form that shall be transmitted to him by the board of treasury, whereby the holders of public securities, other than continental loan office certificates, shall be prevented from drawing the interest due thereon, unless they are foreigners or citizens of the state in which such Commissioner shall reside, and were owners of such public securities at the time, when the legislature of the said State shall have passed an Act fully complying with this requisition."

A motion was made by Mr. [Samuel] Hardy, seconded by Mr. [James] McHenry, to postpone the consideration of these provisoes, in order to take up the following proposition:

That where any state has furnished supplies for the campaign of 1781, said supplies not making a part or having been raised under any requisition calling for specific supplies, the Commissioner, &c. is hereby authorised and directed to settle and adjust the sums due for the said supplies, and thereupon issue a certificate or certificates to such person or persons as may be authorised by the state to receive the same, which certificate or certificates shall be entitled to the same interest and provision as other certificates, of liquidated debts, due to individuals by the United States.

And on the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [Samuel] Hardy,

New Hampshire,			*Rhode Island,*		
Mr. Foster,	no	*	Mr. Ellery,	no	no
Massachusetts,			Howell,	no	
Mr. Gerry,	no	no	*Connecticut,*		
Holten,	no		Mr. Cook,	no	no
King,	no		Johnson,	no	

New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	ay	*
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	ay	ay
Bull,	ay	
Pinckney,	ay	
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay [1]
Habersham,	ay	
Baldwin,	ay	

So the question was lost.

A motion was then made by Mr. [Charles] Pinckney, seconded by Mr. [Samuel] Hardy, to postpone the consideration of the provisoes, in order to take up the following proposition:

[2] That in all instances where the State has assumed any debt due from the United States to Individuals, which may have accrued in consequence of supplies furnished the Army from the year 1781, inclusive, or in any other manner, and for which the Individuals would have been entitled to Certificates, had not such assumptions been made by the State, that in all such cases the State shall be considered as standing in the place of the Individuals, and entitled to all such advantages as they would have enjoyed had not such assumptions been made.[3]

And on the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [Charles] Pinckney,

[1] This vote is in the *Papers of the Continental Congress,* No. 36, III, folio 85.

[2] At this point Benjamin Bankson commences the entry in the Journal.

[3] This motion in the writing of Charles Pinckney, is in the *Papers of the Continental Congress,* No. 36, III, folio 83.

New Hampshire,		
Mr. Foster,	no	*
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	*
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Maryland,		
Mr. McHenry,	ay	div.
Hindman,	no	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	ay	ay
Bull,	ay	
Pinckney,	ay	
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay [1]
Habersham,	ay	
Baldwin,	ay	

So the question was lost.

BOARD OF TREASURY,
July 26, 1785.

SIR: In obedience to the order of Congress, we do ourselves the honor of transmitting an Abstract of the allowances promised to the late Receivers of Continental Taxes, with a letter of the late Superintendent of Finance, explanatory of the same—

No account of the Receivers (excepting that of Mr John Swanwick) has been finally adjusted at the Treasury; it is therefore the only one which we can at present lay before Congress [2]—

[1] This vote is in the *Papers of the Continental Congress,* No. 36, III, folio 85.

[2] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress,* No. 139, folio 33. According to the indorsement it was read this day. The abstract is on folio 25; Swanwick's Pennsylvania account is on folio 29.

[1]WEDNESDAY, JULY 27, 1785.

Congrers assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of New Jersey, Mr. [Lambert] Cadwallader; from Delaware, Mr. [John] Vining, and from North Carolina, Mr. [William] Cumming.

A letter, of the 8th, from Samuel Johnston, esq[r] was read, accepting the office of a judge of the federal court, for hearing and determining the Controversy between the states of Massachusetts and New York.[2]

Congress proceeded to the Election of a Commissioner to the board of treasury, and, the ballots being taken, Mr. Arthur Lee was elected, having been previously nominated by Mr. [William Samuel] Johnson.[3]

On Motion of Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Hardy,

Resolved, That the Secretary of Congress ~~be authorized and directed to employ the Commissioners of the Continental loan offices, or other persons, to procure thirteen copies of the legislative acts of the state respectively~~ apply to the Executives of the several states, for 13 copies of the legislative acts thereof, since the first of September, 1774, inclusive ~~to draw on the Board of Treasury for payment thereof.~~: that one set of the said acts be retained for the use of Congress, and that he deliver to the delegates of each State one set (exclusive of its own Acts) for the use of the legislature thereof. And the Secretary is further directed to adopt a similar mode for procuring the acts which may hereafter be passed as aforesaid, to the end, that every state, being thus informed, may have the fullest confidence in the other states, and derive the

[1] At this point Thomson resumes the entries in the Journal.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 347.

[3] See *ante*, April 4.

advantages which may result from the joint wisdom of the whole.[1]

BOARD OF TREASURY,
25th July, 1785.

SIR: In obedience to the order of Congress of the 22d Inst., we do ourselves the honor of transmitting a copy of the Circular Instructions given by the late Superintendent of Finance to the Loan Officers of the respective States for the purpose of carrying into execution the Resolve of Congress of the 28th April 1784.

We do not find that any States have availed themselves *directly* of that Act of Congress respecting the issue of interest certificates, excepting the States of Massachusetts, New York, Delaware and Virginia.

In the State of Massachusetts betwixt the 1st April, 1784, and the 1st June, 1785, the whole sum received in taxes was 81,310 Dollars, of which paid in Interest Certificates 23,122 Dollrs, this exceeds somewhat the proportion fixed by Congress.

In New York the Act of the State, and the payments in consequence, are in exact conformity to the Resolve of Congress.

In Delaware the sums received betwixt the same dates is 16,008 Dollars, of which paid in certificates 8,368 Dollars; which is more than one half, instead of the quarter part of the sum, as directed by the Resolve of the 18th April, 1784.

In Virginia there has been issued to the 30th June, 1785, in certificates 18,607 Dollrs none of these appear to have come into the hands of the Receivers; but the sum falls short of the proportion which that State is entitled to for its payments in actual money, provided more interest is due them.

We do ourselves the honor of laying before Congress an order of this Board of the 15th June last to the Register of the Treasury, from which that Honorable Body will observe the precaution taken to prevent any State obtaining a greater credit for its payments in certificates, than what is directed by the Resolve of Congress of the 28th April, 1784.

Though we have said that no States have *directly* availed themselves of that Act except those we have mentioned we did not mean to

[1] This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, III, folio 87. The parts lined out so appear in the motion and not in the Journal.

imply that no Interest Certificates had been issued from the Loan Office of any other State. It appears by the letter of Mr Olney of the 20th December, 1784 (copy of which we do ourselves the honor of submitting to the consideration of Congress), That the Legislature of Rhode Island have directed the General Treasurer (who if we are rightly informed is the Loan Officer) to issue interest certificates for the year 1783, but as this is not warranted by the Resolve of the 28 April 1784, we shall esteem it our duty to direct the Receivers in the several States to receive no further payments on that requisition but in the proportion and manner pointed out by the Resolve of the 28th April, 1784.

The State of Pennsylvania by an Act past at their late Sessions has made provision for the payment of interest due to her citizens by the United States, in a manner not conformable to the Resolve above mentioned.

It is needless for this Board to make any remarks on the deviation of the several States from the requisitions of Congress. Unless adequate means are taken for preventing it in future, it will be as vain for Congress to concert, as it will be for us to attempt to execute, any system of revenue for the general interest of the Union.[1]

BOARD OF TREASURY,
July 25th, 1785.

SIR: As we presume Congress have under consideration the Report of this Board on the Mode of settling the accounts of the several States with the United States, we do ourselves the honor of laying before them copies of letters lately received from the Commissioners of Public Accounts for the States of Virginia and South Carolina.

The Board have for some time observed with concern the slow progress making in several States of the Union in the settlement of the claims of individuals, whilst the accounts of the States was not taken up, because, it was alleged they were not ready to be exhibited. It appears from the returns of the Commissioners for Virginia, and South Carolina, that in the month of June the amount of claims settled during that period in the former State was Ninety seven Dollars; in the latter only Twenty Dollars. This we can only impute to the rea-

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 139, folio 9. The indorsement on the Hindman motion of July 22 states that this report was read July 27. A copy of Olney's letter is on folio 13.

sons given by the Commissioners, that these States are settling the claims of their Citizens, without the intervention of any officer on the part of the United States. Should this mode of settlement prevail in some States, whilst the line prescribed by Congress is adopted in others it will produce a dissatisfaction, highly injurious to the Peace of the Confederacy. Should it be general, it will be impossible to forsee the Limits of the National Debt; and altogether an unnecessary burthen on the public to continue the present Commissioners in employ, at a heavy annual expence.

We trust our communication on this subject will be imputed to the true cause from which it springs, an ardent desire to have the claims of the several States adjusted on such liberal, and equal principles, as may ensure the harmony of the Union, and lay the foundation of a general Revenue adequate to the exigencies of government.[1]

THURSDAY, JULY 28, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of New Jersey, Mr. [Lambert] Cadwallader.

Congress resumed the consideration of the report on the subject of supplies for the year 1785.

A motion was made by the delegates of South Carolina, to amend the report, by inserting, previous to the quotas of the states, the following clause:

"Whereas the money proposed to be called for in the present year, 1785, is only a part of deficiencies on the requisition of October, 1781; and whereas South Carolina has paid the

[1] This letter, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 140, II, folio 27. According to the indorsement it was read this day and referred back to the Board of Treasury to report.

On this day also, according to Committee Book No. 190, a petition of Benjamin Pierce, late gunner on the frigate *Alliance*, in behalf of himself and others, was referred to the Board of Treasury to take order. The petition, undated, is in No. 42, VI, folio 375, and is indorsed by Thomson as read in Congress May 22, 1786, and acted on June 7, 1786. Committee Book No. 190 also notes this latter date.

whole of her quota of that requisition, agreeably to the last rule of apportionment adopted by Congress; and whereas Congress, by their act of April 27, 1784, agreed to a report of a committee, which proposed to prevent new requisitions on them (meaning the states) till the old shall have been exhausted, and to shew to those (meaning the states) who may have paid their whole quota of any requisition, that they will not be called on anew till all the other states shall, in like manner, have paid up their quota; therefore, *Resolved*, That the three millions of dollars proposed to be raised for the service of the year 1785, be exclusively quotaed on the states of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and Georgia."

A motion was made by Mr. [Rufus] King, seconded by Mr. [Samuel] Holten, to postpone the consideration of the motion of South Carolina, in order to take up the following proposition:

After the quotas of the states to add:

Provided that such state or states, as have paid more than a moiety of their respective quotas of the requisition of the 30 of October, 1781, for eight millions of dollars, as the same were apportioned by the resolution of the 2d of November following, shall be credited for such advance, conformably to the resolution of the 27 of April, 1784, in their quotas in this requisition, upon a revision by the board of treasury of the quotas of the said requisition of the 30th October, 1781, and a regulation of the same, by the rule adopted in the apportionment of 1,500,000 dollars, supplementary funds to the revenue system of the 18 of April, 1783.

And on the question to postpone the consideration of the proposition from South Carolina, the yeas and nays being required by the delegates of South Carolina,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Lawrance,	ay	ay
Haring,	ay	
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay *	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Wilson,	ay	
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Hardy,	no	no
Monroe,	no	
Lee,	no	
Grayson,	no	
South Carolina,		
Mr. Read,	no	no
Bull,	no	
Pinckney,	no	
Ramsay,	no	
Kean,	no	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So it was resolved in the affirmative.[1]

FRIDAY, JULY 29, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [Lambert] Cadwallader, and from Delaware, Mr. [John] Vining.

A motion was made by Mr. [James] McHenry, seconded by Mr. [William] Hindman,

[1] On this day, as the indorsement states, was read a letter of July 16 from James Bowdoin introducing Captain Walden and his plan for coinage. It is in the *Papers of the Continental Congress*, No. 65, II, folio 257. Captain Frederick H. Walden's letter is in No. 78, XXIV, folio 527, and his plan is on folio 531.

That where any state has made advances or furnished supplies upon a continental account, said advances or supplies not being settled, liquidated or passed to the credit of the state, nor having been raised under any act of the state, in compliance with requisitions of Congress upon the states, the commissioners for settling accounts between the states and the citizens thereof, and the United States, are hereby authorized and directed, to settle and adjust the sums due for the said supplies or advances, agreeably to the principles established, or that may be established for their government, and thereupon issue a certificate or certificates to such person or persons as may be authorized by the state to receive the same, which certificate or certificates shall be entitled to the same interest and provision as other certificates of liquidated debts, due to individuals by the United States: provided that no part of the interest due thereon, be payable in or entitled to any of the advantages of the requisition that may be made for the year 1785.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Rufus] King, to postpone the consideration of the foregoing Motion, in Order to take into Consideration the following:

"That on the the accounts of the several states with the United States, as far as they may then be liquidated, shall, by the respective Commissioners adjusting the said accounts, be reported to the board of treasury, who, on approbation of any such liquidation, shall order an entry thereof to be made in the books of the treasury, and the balance thereon to be struck, and on the 31 day of December in every succeeding year, the same mode shall be observed until those accounts are finally adjusted. That the balance thus annually ascertained to be due to any state, shall bear an interest of 6 per cent. per annum, which shall be included in the estimate of the next and of each succeeding requisition, and

be discounted from the quota of such state for the respective year, and if a balance should be due to the United States from any state, it shall be charged with the interest thereof, over and above its quota of the said requisition; provided that nothing herein contained shall affect the resolutions of Congress of the 22d of November, 1777, and 6th of October, 1779, which are hereby confirmed, nor shall any state be allowed compound interest on any such adjustment."[1]

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Samuel] Holten,

New Hampshire,		
Mr. Foster,	ay	*
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Lawrance,	ay	ay
Haring,	ay	
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	*
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Wilson,	ay	
Delaware,		
Mr. Vining,	ay	*
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
South Carolina,		
Mr. Reed,	ay	ay
Bull,	ay	
Pinckney,	ay	
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So it was resolved in the affirmative.

[1] This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress,* No. 36, III, folio 89. See *post,* August 1.

A motion being then made by Mr. [Jacob] Read, seconded by Mr. [Charles] Pinckney, to add a proviso to the motion before the house, as follows:

Provided also, that nothing in this resolve contained, shall be construed to authorize the commissioners for settling the accounts of individual states, or the citizens within any of them against the United States, the board of treasury, or any auditor or other officer of these states, to settle or liquidate any demand against the United States, for any sum or sums of continental bills of credit, emitted prior to the 18th of March, 1780, either in the hands of individual states respectively, or of their citizens, until the United States in Congress assembled, shall have given a particular decision at what rate the same shall be redeemed by the United States.[1]

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Rufus] King, to postpone the proviso moved by Mr. [Jacob] Read, to take up the following:

Provided that claims for continental bills emitted before the 18 March, 1780, other than those for the payments of such bills made on the quotas of any state, pursuant to any resolutions of Congress, shall not come within the purview of this resolution, but such claims shall stand on their present foundation.

A motion was made by Mr. [Charles] Pettit, seconded by Mr. [David] Howell, to strike out the words, "but such claims shall stand on their present foundation."

And on the question, shall those words stand? the yeas and nays being required by Mr. [Jacob] Read,

[1] This motion, in Thomson's handwriting, is entered on a separate slip of paper and wafered into the Journal.

New Hampshire,		
Mr. Foster,	no	*
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Lawrance,	ay	ay
Haring,	ay	
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	*
Pennsylvania,		
Mr. Gardner,	no	div.
Jackson,	ay	
Wilson,	ay	
Pettit,	no	
Delaware,		
Mr. Vining,	ay	*
Maryland,		
Mr. McHenry,	no	div.
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
South Carolina,		
Mr. Read,	ay	ay
Bull,	ay	
Pinckney,	ay	
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	no	ay
Habersham,	ay	
Baldwin,	ay	

So the question was lost, and the words were struck out.

The members from Massachusetts then withdrew their motion, and the members from South Carolina having adopted and renewed the proviso as amended, on the question to amend the motion before the house, by adding the proviso as amended, the yeas and nays being required by Mr. [David] Howell,

New Hampshire,		
Mr. Foster,	no	*
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	

New York,		
Mr. Lawrance,	ay	ay
Haring,	ay	
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	*
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Maryland,		
Mr. McHenry,	no	div.
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	no	
Lee,	ay	
South Carolina,		
Mr. Read,	ay	ay
Bull,	ay	
Pinckney,	ay	
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	no	ay
Habersham,	ay	
Baldwin,	ay	

So it was resolved in the affirmative.

The motion being further amended to read as follows:

That on the 31st day of December, 1786, the accounts of the several States with the United States, as far as they may then be liquidated, shall, by the respective Commissioners adjusting the said accounts, be reported to the Board of Treasury, who shall order an entry to be made in the books of the Treasury of such liquidation, and the balance thereon to be struck. And on the 31st day of December in every succeeding Year, the same mode shall be observed until those accounts are finally adjusted. That the balance thus annually ascertained to be due to any State, shall bear an Interest of 6 per Cent. per Annum. Which Interest shall be included in the estimate of the next, and of each succeeding requisition, and be discounted from the quota of such State for the respective Year. And if a balance should be due to the United States from any State, it shall be charged with the Interest thereof, over and above its quota of the said requisition. Provided that nothing herein contained shall affect the resolutions of Congress of the 22d of November, 1777, and the 6th of October, 1779, which are hereby confirmed, nor shall any State be allowed compound Interest on

any such adjustment. [Provided also, that claims for continental Bills emitted before the 18th of March, 1780, other than those for the payments made of such bills on the quotas of any State, pursuant to any resolutions of Congress, shall not come within the purview of this resolution.][1]

The determination of the question on this motion was postponed by the state of Massachusetts.[2]

MONDAY, AUGUST 1, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of New Hampshire, Mr. [Abiel] Foster; from Connecticut, Mr. [Joseph Platt] Cook; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

A letter, of the 31 from A. Lee, esq[r] was read, accepting office of Commissioner of the board of treasury.[3]

A letter, of this day, from O. Pollock, was read.

~~Whereupon, on motion of Mr. Wilson, seconded by Mr. Gerry,~~

Resolved, ~~That the Board of Treasury take order to pay fifteen hundred dollars to Oliver Pollock, in part of the interest of the sum due to him from the United States.~~[4]

The motion which was before the house on Friday, and the determination of which was postponed by the state of Massachusetts being read, by unanimous consent,

Ordered, That the motion be referred to a grand Committee.

[1] This amendment, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress,* No. 36, III, folio 91. It is entered in the Journal by Roger Alden.

[2] On this day, as the indorsement states, was read a memorial from Nathaniel Irish requesting certain emoluments due him as a captain of artillery. It was referred to the Secretary at War to report. He reported August 3. The memorial is in No. 41, IV, folio 497.

[3] This letter is in the *Papers of the Continental Congress,* No. 78, XIV, folio 657.

[4] This motion, in the writing of James Wilson, is in the *Papers of the Continental Congress,* No. 36, III, folio 93.

A motion being made by Mr. [Charles] Pinckney, seconded by Mr. [Jacob] Read,

That when a motion is made to postpone a report, motion or proposition before the house, in order to take up another proposition, no amendment shall be made or received, until the question is put and decided to postpone what was before the house.

And on the question to agree to this, the yeas and nays being required by Mr. [Charles] Pinckney,

New Hampshire,		
Mr. Foster,	no	*
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	no	div.
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	*
New York,		
Mr. Lawrance,	ay	ay
Haring,	ay	
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	*
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Wilson,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	no	div.
Monroe,	ay	
Lee,	no	
Grayson,	ay	
South Carolina,		
Mr. Read,	ay	ay
Bull,	ay	
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	no	ay
Habersham,	ay	
Baldwin,	ay	

So the question was lost.[1]

[1] On this day, as the indorsement states, was read a letter of Oliver Pollock. It is dated August 1 and prays "a small pittance on account" to support his small family. It is in the *Papers of the Continental Congress*, No. 50, folio 503.

August 1: The following committees were appointed: Of the Week: Mr. [John] Haring, Mr. [James] Wilson and Mr. [Charles] Pettit.

Mr. [Abiel] Foster, Mr. [Elbridge] Gerry, Mr. [David] Howell, Mr. [Joseph] Platt] Cook, Mr. [John] Lawrance, Mr. [Lambert] Cadwallader, Mr. [Charles]

TUESDAY, AUGUST 2, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of Connecticut, Mr. [Joseph Platt] Cook; from Delaware, Mr. [John] Vining, and from North Carolina, Mr. [William] Cumming.

A motion being made by Mr. [James] McHenry, seconded by Mr. [Samuel] Hardy, and the same being amended to read,

That the board of treasury, on the first Monday in every month, lay before Congress an abstract of the receipts and expenditures of the preceding month, with the balance remaining in the public treasury, and also an Abstract of any Contracts that they may have made in that month.[1]

Pettit, Mr. [John] Vining, Mr. [William] Hindman, Mr. [Samuel] Hardy, Mr. [William] Cumming, Mr. [Jacob] Read and Mr. William Houstoun, a Grand Committee, on "The motion of Mr. Gerry the determination of which was on friday last postponed by a State and which now by unanimous consent is refered to a grand com^ee^ To meet in Congress in Chamber on Wednesday Aug. 3. at 9 o'clock. Aug. 2. Motion of Mr. McHenry of July 29."

Also on this day, a translation of a letter from Frederic Wernecke, dated August 1, 1784, inquiring about his brother, said to have entered the service of the U. S. in 1776, was forwarded by the Secretary for Foreign Affairs, and read. It was referred to the Secretary at War to take order. Jay's letter, dated July 29, is in No. 80, I, folio 321. A copy of Wernecke's letter and the order thereon is in Resolve Book No. 123.

Also, were read, two letters from the Secretary for Foreign Affairs, dated July 29: one relating to the request of Marbois for an answer to his memorials on the subject of debts due to French subjects and the other on the claim of the heirs of Ducoudray against the United States. These were both referred to the Board of Treasury, which reported August 2. Jay's letters are in No. 80, I, folios 317, 321 and 325.

Committee Book No. 190.

[1] The motion, in the writing of McHenry, is in No. 36, III, folio 95. It reads: "That the board of treasury on the first Monday in every month lay before Congress ~~or a committee of the States~~ an abstract of the receipts and expenditures ~~and participations~~ of the preceeding month ~~and~~ with the balance ~~then~~ remaining in the public treasury ~~and also an abstract of any contracts that they have made on the part of~~"

The words lined out so appear in the motion.

A motion was made by Mr. [Samuel] Holten, seconded by Mr. [Elbridge] Gerry,

That the motion as amended, be referred to the committee appointed to revise the regulations of the treasury department, and report an Ordinance for its future regulation; and on the question to commit, the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
Rhode Island		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	ay	*
New York,		
Mr. Lawrance,	ay	ay
Haring,	ay	
Smith,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	ay	
Delaware,		
Mr. Vining,	no	*
Maryland,		
Mr. McHenry,	no	div.
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
Grayson,	no	
South Carolina,		
Mr. Read,	ay	no
Bull,	no	
Pinckney,	ay	
Ramsay,	no	
Kean,	no	
Georgia,		
Mr. Houstoun,	no	no
Habersham,	no	
Baldwin,	ay	

So the question was lost.

A division was then called for by Mr. [John] Lawrance; and on the question to agree to the first clause, as far as "public treasury," inclusive, the yeas and nays being required by Mr. [William] Grayson,

New Hampshire,		
Mr. Foster,	no	div.
Long,	ay	
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	*
New York,		
Mr. Lawrance,	ay	ay
Haring,	ay	
Smith,	ay	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	no	
Delaware,		
Mr. Vining,	ay	*
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	no	ay
Bull,	ay	
Pinckney,	no	
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So it was *Resolved,* That the board of treasury, on the first Monday in every month, lay before Congress an abstract of the receipts and expenditures of the preceding month, with the balance remaining in the public treasury.

On the question to agree to the latter Clause, viz. also an abstract of any contracts that they may have made in that month, the yeas and nays being required by Mr. [William] Grayson,

New Hampshire,		
Mr. Foster,	no	div.
Long,	ay	
Massachusetts,		
Mr. Gerry,	no	div.
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	*
New York,		
Mr. Lawrance,	no	ay
Haring,	ay	
Smith,	ay	
Pennsylvania,		
Mr. Gardner,	ay	no
Jackson,	no	
Pettit,	no	

Delaware,		
Mr. Vining,	ay	*
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	no	ay
Bull,	ay	
Pinckney,	no	
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So the question was lost.

On Motion of Mr. [Charles] Pinckney, seconded by Mr. [Elbridge] Gerry,

Resolved, That the board of treasury take order to pay Oliver Pollock fifteen hundred dollars, in part of the interest due to him from the United States.[1]

OFFICE FOR FOREIGN AFFAIRS,
2d August, 1785.

SIR: On Friday last Mr De Marbois called upon me to enquire whether Congress had as yet directed any Answers to be given to his Memorials under their Consideration. In the course of Conversation he mentioned the Affair of Longchamps and informed me that his Court would not persist in their Demand of him. He proposed that the Paper containing that Demand together with those that accompanied it should be returned to him, so that the Matter might remain as if no such Demand had been made. If this Idea should be adopted the proposed Letter to his Most Christian Majesty would be unnecessary, if not improper. He expressed a Wish that Congress would pass Resolutions asserting the Rights of Ministers &c. and recommending to the States to pass Laws to punish Violations of them in an exemplary Manner. If Congress should think proper to pass such Resolutions a Copy of them might be enclosed to the King of France

[1] On this day, according to Committee Book No. 190, Mr. [James] McHenry's motion of July 29 relative to the settlement of state accounts was referred to the Grand Committee of August 1.

in a Letter calculated to remove any uneasiness which may remain in his Mind from the Case of Longchamps.

I have the Honor to be etc.

JOHN JAY.[1]

His Excellency,
The PRESIDENT OF CONGRESS.

BOARD OF TREASURY,
1st August, 1785.

SIR: We do ourselves the honor of transmitting to Congress the Report of this Board on the representation of Le Sieur Marbois, Chargé des Affairs of His most Christian Majesty.

The importance of the subject and the pressing solicitations of Mr Marbois, to have a decision on the objects of his representation, will, we have no doubt, induce Congress to give the Report an early consideration.[2]

The Board of Treasury to whom was referred on the 7th July Instant, a Paper from Le Sieur Marbois Chargé des Affaires of his most Christian Majesty dated 16th. of May last, Report,

That they have examined the purport of the said paper, and find that the objects of Monsieur Marbois' representation are,—

1st. That the subjects of His Most Christian Majesty who are proprietors of Loan Office Certificates, have not received those payments of interest, which by the laws of several States in the Union have been from time to time made to their respective citizens, notwithstanding the recommendatory resolve of Congress of the 27th April, 1784. That although an application was made by the Chargé des Affaires, to one of the States, pressing a compliance with the above resolve, no satisfactory assurance has been given of justice being done to the French creditors.

[1] This report is in the *Papers of the Continental Congress*, No. 80, I, folio 329. It was read this day and, according to indorsement, was referred back to the Secretary for Foreign Affairs to report. According to Committee Book No. 190, he reported on August 23.

[2] This letter, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 140, I, folio 9. According to the indorsement it was read this day, with the report, which is in No. 138, II, folio 105, and is dated July 30. A broadside of this report, on folio 217, is indorsed as referred, March 2, 1786, to Pinckney, King and Lawrance, but these names were, afterwards, crossed off by Thomson.

2d That deposits have been made by the subjects of His Most Christian Majesty, of Continental Money, at different periods, agreeably to the forms in such cases provided to the amount of betwixt five, and six Millions of Dollars; that no valuation having been made of these funds, it appears reasonable that Congress should ascertain their worth at the time of the Deposit; and some means should be adopted of making these funds of value to the Possessors.

3d That Mr William Bingham, late Agent for the United States, in the Island of Martinico, has not reimbursed the sums advanced to him, not only by the Treasurer and Correspondent of the Commissary but by several individuals in that island, notwithstanding, he has long since received the payment of his claims, against the United States—and that the delay occasioned by Mr Bingham's absence from Pennsylvania greatly affects the interest of those who have claims against him.

4th That the debt due by the United States to les Sieurs Sabatiers & Depres (the principles of which were laid before Congress three months since) has been discharged by the Royal Treasury of His Most Christian Majesty, and no arrangment made for reimbursing the same.

5th That Congress on the 16th April, 1784, on a representation of the Chevalier de la Luzerne late Minister Plenipotentiary of His Most Christian Majesty, Resolved, "That they would, with the greatest care, adopt subsequent measures for the punctual payment of the Principal and Interest of the Debt due to France by the United States, according to the terms of the several contracts; that the Ministers of His Most Christian Majesty are not acquainted with the effects of these measures; and that he has it in command to inform them of the result.

The Board having maturely considered the objects of the above representation, submit on the first head to the consideration of Congress the following Resolves.

That the several states be again urged to make provision for paying up the arrearages of interest due to Foreigners, on loan office Certificates issued in their respective States, so as to place these claimants on a footing with their own citizens; and that in all future laws which may make provision for the payment of interest due by the United States, it be strongly recommended to them to make no distinction betwixt their own citizens and the subjects of a Foreign power.

That to enforce this resolve, a circular letter by be signed the President, and transmitted to the Supreme Executives of the respective States, to be laid before the several Legislatures, stating the principles of justice upon which this requisition is founded, how repugnant a distinction in the payment of public debts is to the usage of all civilized nations who know the value of national credit, even in time of war, and the injury which may arise to the union by any discrimination in the payment of public debts, betwixt the Citizens of these States and the subjects of Foreign Powers.

That in all cases where the Loan Officers of the respective states are authorized, in consequence of the requisitions of Congress to issue certificates redemable in taxes, for the payment of interest, they be directed to issue certificates of interest to the subjects of Foreign Powers for monies loaned in their respective offices. And that these certificates be received in Taxes due to the United States in the same manner, with those granted to Domestic Creditors in the several States.

That in the regulation of the Office and Duties of the respective loan Officers, or receivers of taxes, Congress will from time to time make such provision as may ensure the execution of the just purposes intended by the foregoing resolve.

On the second head they submit the following Resolves.

That the Chargés des Affaires of His Most Christian Majesty be informed, that the Resolve of Congress of the 17th March last, limiting the time for settlement of claims of individuals against the United States, cannot be construed to extend to foreigners not resident within the United States. That Le Sieur Marbois be requested to lodge an abstract of the Continental money, the bona fide property of the subjects of His Most Christian Majesty, with the Commissioners of the Board of Treasury, specifying the amount and the date of the deposit, the name of the person by whom, and on whose account the deposit was made, together with such other evidence, authenticating the same, as Monsieur Marbois may be able to furnish; and that Congress will cause the same to be liquidated on as favorable principles, as the circumstances attending the circulation of that Currency, and the claims of other holders of Continental Paper can possibly admit of.

On the third head, they submit the following Resolve. That Le Sieur Marbois be informed that Mr Bingham late agent for the

United States, at Martinico, has received the whole of his demand against the said States to enable him to satisfy those engagements, for which he had made himself personally responsible whilst in the Island of Martinico. That they presume, notwithstanding Mr Binghams absence, the laws of the State of Pennsylvania (the seat of his property, and former residence) will afford a remedy to the Claimants; but should there be any defects in such laws, it cannot be doubted but the legislature of Pennsylvania, from a regard to the principles of justice, will on a proper representation, make provision for enabling foreigners to recover their just claims against such of their citizens as may be absent from the State.

With respect to the fourth head which relates to a debt alledged to be due to Messrs Sabatier & Despres—The Board find that Messrs Sabatier & Despres allege that they were authorized on the requisition of Col. Laurens to purchase goods to an amount exceeding two million of livres; which are charged to the United States, and included in the loan of Ten Million livres; but that it does not appear that the Accounts of these disbursements were examined and admitted by any person on the part of the United States.

That the balance stated to be due to the Royal Treasury of France for their advance to Messrs Sabatier & Despres, is one hundred thirty four thousand and sixty five Livres, seven Sols, six Deniers; which sum arises from charges of transportation and an additional allowance of four per cent commission on the payments made by that house; the sum of six per cent having been before allowed them for advances, commission trunks and packages.

That although it is not consistent with the independence of these United States or their established rules of office to have the accounts of persons employed in their service liquidated under any other authority than what is derived from them, Yet in as much as the whole purchase of these goods is actually included in the contract of Ten Million of Livres, and the balance claimed by Messrs Sabatier & Despres, paid by the Royal Treasury of France, the Board of Treasury submit to the consideration of Congress the following Resolves.

That the sum of one hundred and thirty four thousand sixty five Livres, seven Sols, six Deniers paid by the Royal Treasury of France to Messrs Sabatier & Despres in full of a balance claimed by them from the United States be acknowledged as a debt due from the United

States to the Royal Treasury of France. That Congress will take measures for reimbursing the same, as soon as the State of the finances will admit of it and that it shall in the mean time bear an interest of five per cent from the date of the advance.

Resolved, That the admission of the accounts of Messrs Sabatier & Despres for the purchases and services performed by them on account of the United States, on a requisition of one of their Ministers, shall not be considered as a precedent for the future allowance of any claims made on them, which are not previously liquidated, under the authority of these United States.

Resolved, That the Board of Treasury direct Mr. Barclay to procure and transmit a particular state of the accounts, exhibited by Messrs Sabatier & Despres to the Royal Treasury of France for expenditures made by them on account of the United States.

On the fifth head of the representation, which requires information on the effects which have followed from the resolution of Congress of the 16th of April 1784 relative to the payment of the interest, and future instalments of the principal of the debt due to France from the United States—The Board beg leave to Report.

That they do not find from the Journals of Congress that any measures have been adopted by the United States for procuring funds for the payment of the principal and interest of the debt due to France agreably to contract, since the general requisition of Congress of the 28th April, 1784.

That, notwithstanding that requisition (looking forward to a compliance, on the part of the several States with the Resolve of Congress of the 18th April, 1783, for establishing permanent funds) confined itself to a demand of the interest on the National Debt, for one year only, and the sum actually necessary for the support of the civil establishment, the several States in the Union paid in in the course of 1784 but five hundred and twenty two thousand, one hundred and sixty two Dollars, out of Two Million six hundred and seventy thousand, nine hundred and eighty seven Dollars the amount of that requisition.

That the Superintendant of Finance in the month of October last, remitted to Monsieur Grand, banker to the United States at Paris, the sum of four hundred thousand livres for the express purpose of paying the interest for the year 1784, on the Ten Million livres borrowed of Holland and guarranteed by France; that M^r^. Grand has paid

into the Royal Treasury of France, the moiety of that sum, reserving the balance for the discharge of other engagements of the United States which were from time to time falling due.

That although the present state of the finances render it extremely difficult to defray the ordinary charges of the civil establishment, the Board have made effectual arrangements for the punctual payment of the whole interest which will become due in November next, on the loan of Ten Million livres guarranteed by France.

That such is the present stagnation in the receipt of taxes, that it is impossible for this Board to give any assurance of further payments of interest due to France in the course of the present year, unless the United States in Congress should urge the states to an immediate and vigorous exertion in the collection of the arrearages of Taxes, due on the requisitions of the 4th September, 1782 and 28th April, 1784.

On this head of the representation of the Chargé des Affairs of His Most Christian Majestys, the Board have confined themselves to the statement of the effects, which have flowed from the Resolve of Congress of the 16th April, 1784 and the measures adopted by the late and present administration of the Treasury with respect to the payment of the annual interest due to France.

However anxious to see the public revenue placed on so solid a basis, as to put it in the power of the United States, to pay with punctuality the interest of the National Debt, so justly due, and so long delayed, the Board can only be responsible for the prudent and faithful disposition of those monies which actually come into their hands. Though an anticipation of the public revenue might have been justifiable in time of actual invasion, without any certain funds being provided for its redemption, it would argue a want of prudence and those principles of probity, which ought to characterise the administration of the finances in every well governed State, to enter into great anticipations in time of profound peace, without any established system of revenue and for purposes, to which no uncommon exertions in the collection of Taxes, are necessary.

With all deference to Congress, the Board beg leave to observe that the payment of the interest, and the discharge of the principal of the Foreign Debt, at the stipulated instalments, is in their opinion a primary object. In the course of this year, two years interest will be due on the loan of Six Millions of Livres; and though the interest on the loan of Eighteen Million of Livres is not payable till three years

after the peace, when the respective instalments become redeemable, such an accumulation of interest added to the weight of the proportionate payment of Principal, may (if postponed) prove too burthensome to discharge in the course of one year.

The funds necessary for the discharge of the interest of the national debt ought (in the opinion of this Board) to be certain in their collection, and adequate to their object. From the experience of past annual Requisitions, there is no reason to think them competent to these ends. Whatever, therefore modifications may at present be admitted for the discharge of Domestic Interest, that due for the Foreign Debt must be paid at the places, and periods stipulated in the contracts: if the respective states provide certain and adequate funds, payable in solid coin for their proportionate share of this interest (which may with sufficient precision be ascertained from their respective quotas), The Board presume they would not find much difficulty in entering into advantageous Contracts for the payment of the Foreign Interests, with merchants of reputation, who would export for this purpose the commodities of the several States where the funds are provided: in this manner the Board have secured the payment of the interest on the Ten Million Loan due in November next. The money necessary for this object (being part of the quta of Virginia) is expended in the purchase of tobacco, and the contractors lodge in France, the amount received at the advantageous exchange of Five Livres Eight Sols p^r Dollar.

Solid advantages would arise not only to the United States, but to the several Members of the Union from such an operation. To the United States; because it would save them from the painful dilemma of holding up to their Foreign Creditors assurances of payment which (though made with the purest intentions) prove in the end fallacious, for want of permanent and regular funds being provided by the Several States and because it would enable them to remit the interest and principal of the Foreign Debt, without engaging in commercial adventures (always if possible to be avoided by public bodies) or being reduced to the necessity of remitting, at an exchange, far above the par of coin. To the several states; because by preserving by this operation the coin in their Country, it would facilitate the collection of taxes, whilst it promoted the sale of their products, and the employment of the shipping necessarily engaged in vesting these funds.

With respect to the memorial of Monsieur Le Ray du Chaumont, in behalf of himself and other merchants of France, holders of Continental money and Loan Office certificates, the Board are of opinion that the memorialists should be referred to the decision of Congress, on the representation of the Chargé des Affaires of His Most Christian Majesty.

All which is, with deference toe judgment of Congress submitted.[1]

BOARD OF TREASURY,
30th JULY, 1785.

The Committee [consisting of Mr. Hugh Williamson, Mr. Edward Hand and Mr. David Howell] to whom was referred the Memorial of Captn Phelon dated on February last requesting that in Consideration of his having been wounded in the Service other Provision may be made for him in addition to the Commutation for half Pay to which he is entitled, beg Leave to report that on the 30th of Septr last on the Recommendation of sundry Genl Officers Edward Phelon then a Lieut. was in consideration of his Services and suffering promoted to the Rank of a Captn in the Line by which his half Pay or Commutation is considerably increased wherefore your Committee submit the following Resolve

~~That the memorial of Captn Phelon be dimissed.~~

That the Request of Captn Phelon cannot be granted.[2]

[1] The report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 105. According to Committee Book No. 191, it was read this day and transferred. Thomson has indorsed it: "Wednesday Jany 26, 1785 assigned." This date should have been 1786. A printed copy of this report, on folio 217, has been indorsed by Thomson: "March 2, 1786 Referred to Mr. Pinckney, Mr. King Mr. Lawrence" Later he crossed these names over. See *ante*, May 27, 1785.

[2] This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, V, folio 143. According to indorsement it was read this day and referred to Mr. [David] Howell, Mr. [David] Ramsay and Mr. [John] Habersham. See *post*, August 5, 1785. Phelon's February 1784 memorial is in No. 41, VIII, folio 180. According to indorsement it was referred to the Committee of the Week who reported that the memorial be read in Congress. This was done April 1, 1784, and it was then referred to Williamson, Hand and Howell, as above. According to Committee Book No. 186, this committee reported April 13; the report, however, was not read in Congress until August 2, 1785. See *post*, August 5.

WEDNESDAY, AUGUST 3, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the State of Connecticut, Mr. [Joseph Platt] Cook; from New Jersey, Mr. [Lambert] Cadwallader; from Delaware, Mr. [John] Vining, and from North Carolina, Mr. [William] Cumming.

Congress resumed the consideration of the report on Supplies for the year 1785, and the clause, "As more than two thirds, &c." being amended to read as follows:

"As more than two thirds of the sum called for, is to be applied to the payment of interest on the domestic debt; the Committee are of opinion, that the several legislatures so model the collection of the sums called for, that one third of any sum being paid in Actual Money, the other two thirds may be discharged by the interest due upon loan Office certificates, and upon other certificates of the liquidated debts of the United States; and to ascertain the evidences of interest due upon loan Office certificates, the holders thereof respectively shall be at liberty to carry them to the office from which they issued, and the holders of other certificates of liquidated debts of the United States, to carry the same to the loan Office of that state, wherein they are inhabitants, or, if a foreigner, to any loan-office within the United States, and to have the interest due thereon, settled and certified to the last day of the year 1784."

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Rufus] King, to add the following provisos:

Provided that the Commissioner of the continental loan office in each State, shall not, on any pretence whatever, settle or issue any certificate or certificates, for the interest due on any continental loan office, or other certificate of liquidated debts aforesaid until such states shall have passed a legislative Act for fully complying with this requisition, nor

shall he issue any certificate, or take any other measure, whereby the interest may be paid by the state, or a discrimination be made between the holders of loan office certificates, issued from his Office, who are citizens of that state and foreigners, or the citizens of any other State; And any Commissioner, who shall disobey this direction, shall be dismissed from office by the board of treasury, who are authorized to fill up the vacancy. Provided also, that if any state shall not comply with this requisition, at their next session after the receipt thereof, the commissioner of the continental loan office, in such state, shall transmit, to the continental loan office of some neighbouring State, which shall have complied, such checks of the certificates issued from his Office, and such only as belong to foreigners or to the citizens of any other state, and take receipts for the said checks of the commissioner receiving them, who is hereby authorised and directed to pay the interest due to the said foreigners and citizens, pursuant to this requisition; provided also, that each Commissioner aforesaid be, and he hereby is directed to administer an oath, agreeably to the form that shall be transmitted to him by the board of treasury, whereby the holders of public securities, other than continental loan office certificates, shall be prevented from drawing the interest due thereon, unless they are foreigners or citizens of the state in which such commissioner shall reside, and were owners of such public securities at the time, when the legislature of the said state shall have passed an Act complying with this requisition.

A motion was made by the delegates of South Carolina, to amend the foregoing provisoes, by inserting between the words "the citizens of any other State," and the words, "And any Commissioner," as follows:

"Excepting from the operation of this proviso, such State or states as it shall appear by the books of the treasury, have

paid their full quota of the requisition of the day of for eight millions of dollars, upon the former and present apportionment of the same, the Commissioner of the loan office, of which State or states shall issue certificates for interest in the same manner, as the states passing legislative Acts as aforesaid."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Charles] Pinckney,

New Hampshire,		
Mr. Foster,	ay	div.
Long,	no	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	no	
King,	ay	
Rhode Island,		
Mr. Ellery,	no	div.
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	*
New York,		
Mr. Lawrance,	ay	ay
Haring,	ay	
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	*
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Wilson,	no	
Delaware,		
Mr. Vining,	ay	*
Maryland,		
Mr. McHenry,	no	div.
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Lee,	ay	
Grayson,	ay	
South Carolina,		
Mr. Bull,	ay	ay
Pinckney,	ay	
Ramsay,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	no	ay
Habersham,	ay	
Baldwin,	ay	

So the question was lost.

Mr. [Elbridge] Gerry then withdrew his provisos, and having made some amendments and additions, moved them again. After debate,

Ordered, That they be referred to the grand committee of the 1st.

On the report of a committee, consisting of Mr. [William] Grayson, Mr. [David] Howell and Mr. [Rufus] King, to whom was referred a report of the Paymaster general, on a note from the Chargé des Affairs of his Most Christian Majesty,

Resolved (by 9 States), That in Consideration of the peculiar circumstances under which Col. Radiere, who died in the service of the United States, in the year 1779, entered the service, the pay master general be, and he is hereby directed to extend to his case, the benefit of the resolution of April 10, 1780, relative to depreciation.

Resolved, That the paymaster general be, and he is hereby directed to settle with the widows and orphans of officers who did not belong to any of the United States, entitled to seven years half pay, under the resolution of August 24, 1780, and to issue to them certificates therefor.

Resolved, That existing resolutions of Congress sufficiently provide for a just settlement of the Accounts of the late baron de Kalb; and that the pay master general be, and he is hereby directed to govern himself accordingly [1]

AUGUST 2d 1785.

The Board of Treasury to whom was referred a letter from the Secretary of Foreign Affairs of the 29th July last enclosing a letter from Monsieur De Marbois of the same date, respecting a claim against the United States from the Representatives of the late Monsieur Du Coudray beg leave to Report

That the sum due to the Representatives of the late Monsieur Du Coudray in pursuance of the Resolve of Congress of the 25th September, 1781, be ascertained by the Comptroller; that he cause a certificate to issue for the same, in the same form with those which have been given to the Foreign Officers late in the service of the United States; and that the Interest which shall hereafter accrue, shall be

[1] This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, II, folio 55. It was read and passed this day. It was also entered in the manuscript Secret Journal, Foreign Affairs, No. 5, by Benjamin Bankson.

paid in like manner with the interest accruing on the Certificates above mentioned.[1]

The Secretary of the United States for the department of war to whom was referred a memorial of Nathaniel Irish requesting certain emoluments, Report—

That the corps to which captain Irish belonged, was organized by several resolutions of Congress passed the 11th of February, 1778, under the denomination of Artillery-artificers and that Captain Irish has a commission as captain of artillery and commander of a company of artificers. That it appears by the same resolutions that the pay of the officers was established the same as others of equal rank in the continental artillery.

That on the 12th of November, 1779, Congress *Resolved,* That the eleven companies of artificers raised by the Quartermaster general be reformed and incorporated and arranged in such a manner as the commander in chief shall deem proper and on the 16th of the same month Congress *Resolved,* That it be recommended to the several states to allow the corps of artificers established by Congress the 2nd instant all the benefits provided for officers and soldiers in the line of their quotas of the continental batallions, except the half pay.

That the allowance of pay subsistence and clothing of the officers and men of the said artificers be the same with that of the artillery artificers under the command of colonel Benjamin Flower.

That on the new arrangement of the 3rd of October, 1780, Congress *Resolved,* That the regular army of the United States should consist of a certain number of regiments of cavalry, artillery and infantry, and one regiment of artificers which regiment was required of the state of Pennsylvania and on the 21st of October it was *Resolved,* That the officers who were then reduced and those who should continue in the service to the end of the war should be intitled to halfpay during life to commence from the time of their reduction.

It does not appear that any artificers were raised by Pennsylvania in consequence of the resolution of the 3rd of October, 1780, but there still existed some companies of the original regiment of artillery-artificers which were credited to the said state as part of its quota.

Although the ideas of Congress are clearly expressed with respect to those artificers established by the Resolution of the 12th of November,

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress,* No. 138, I, folio 305. The indorsement states that it was read on this day.

1779, yet as the regiment of artificers required by the act of the 3rd of October, 1780, is arranged as part of the army and no discrimination made respecting the rewards promised by the resolves of the 21st of the same month it is necessary that Congress should determine whether it was their intention that the officers of the regiment of Artificers who might continue in service until the end of the war should be intitled to the halfpay allowed to the officers of the line of the army.

As your Secretary is not possessed of the opinion of Congress upon this point he is unable to make a particular report upon the case of Captain Irish, especially as it is involved with other claims of a similar nature depending on the construction of the aforesaid acts of the 3d & 21st of October, 1780.

All which is submitted to Congress

H. Knox.[1]

THURSDAY, AUGUST 4, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia and South Carolina; and from Rhode Island, Mr. [David] Howell; from Connecticut, Mr. [Joseph Platt] Cook, and from Georgia, Mr. [Abraham] Baldwin.[2]

FRIDAY, AUGUST 5, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader.

On motion of Mr. [Jacob] Read, seconded by Mr. [Charles] Pinckney,

Resolved, That tuesday next be assigned for electing a Commissioner for negotiating with the Western Indians, in

[1] This report is in the *Papers of the Continental Congress*, No. 151, folio 71. According to indorsement it was read this day and referred to a committee on August 9.

[2] On this day, according to Committee Book No. 190, Mr. E[dward] Fox was nominated by Mr. [David] Ramsay for Commissioner of the Treasury, "agreeable to 20 June."

the room of Arthur Lee, esq^r appointed a Commissioner of the board of treasury.[1]

Congress proceeded to the Election of a chaplain, in the room of the rev^d Mr. Jones, resigned, and, the ballots being taken, the rev^d Dr. Rogers was elected, having been previously nominated by Mr. [Samuel] Holten.

The Committee [consisting of Mr. John Lawrance, Mr. Samuel Hardy and Mr. William Grayson] to whom was referred the memorial of Francis Lewis, Jacobus Van Zandt and Samuel Tudor Report That the said Memorial be referred to the Commissioners of the Treasury to make report.[2]

The Com^ee [consisting of Mr. David Howell, Mr. David Ramsay and Mr. James Habersham] to whom was referred a memorial (together with the report of a Com^ee thereon) from Edward Phelon late a Captn in the service of the U. States dated N. York Feb. 1784. beg leave to submit the following report.

Your Com^ee find that the Memorialist, at the commencement of the late war, was an inhabitant of Halifax, in Nova Scotia, that he left his parents and friends (whereby he has been disinherited) and joined the American Army—that about the beginning of the year 1777 he was appointed an Ensign in Col. Henley's regiment in the Massachusetts line, that on the 30 of Nov., 1783, the Memorialist received the Commission of a Captn in the Army of the U. States.

Your Com^ee also find that the memorialist unfortunately received several wounds, while fighting for the Liberties of these States, under which he suffered, and for near four years bore the most excruciating

[1] On this day, according to Committee Book No. 190, Mr. Evan Edwards was nominated by Mr. [Charles] Pinckney for Commissioner for negotiating with the Western Indians, in the room of Arthur Lee. His name was withdrawn September 21.

Maj. Gen. [Peter] Muhlenburg was nominated by Mr. [William] Grayson and withdrawn August 9.

Brig. Gen. William Irvine was nominated by Mr. [David] Jackson.

Maj. Gen. J[ohn] Sullivan was nominated by Mr. [Pierse] Long.

Also, according to indorsement, was read a second memorial from Pierre Regnier de Roussi, for depreciation. It is in No. 41, VIII, folio 353. See *post*, August 9.

[2] This report in the writing of John Lawrance, is in the *Papers of the Continental Congress*, No. 19, IV, folio 141. According to indorsement it was read this day and passed August 15.

pains, that during this time of misery he was without any other support from the public than what was given to officers in full health—and as he represents to your Com^ee^ expended for Board for himself and servant (at a Boarding House) at a moderate computation about two hundred and twenty Guineas. That afterwards in the year 1782, tho' unable to bear the fatigues of a Campaign and a cripple he returned to service and acted as Aid de Camp to General Paterson; this zeal for the cause he had so Magnanimously espoused not permitting him to leave it 'till crowned with success.

It also appears to your Com^ee^ by a certificate from the pay-office that the memorialist has not received the Commutation, in lieu of half-pay for life. And by a certificate signed by Eleven General Officers it is testified that the Memorialist served in the American Army: "With reputation to himself and advantage to the U. States," and he is recommended as "deserving the favour and consideration of Congress."

Whereupon your Com^ee^ recommended the following resolutions Viz

Resolved, That the Board of Treasury take order for paying Edward Phelon, late a Captn in the Army of the U. States the Sum of dollars in compensation for the extra expences by him incurred while labouring under several grievious wounds received in the public service.

Passed.

Resolved, That the Board of Treasury take order for advancing to Edward Phelon, late a Captn in the Army of the U. States, and disabled by several wounds from procuring a livelihood for himself, the Sum of one thousand dollars, for which Sum he is to account, in case he shall hereafter take the benefit of the resolutions of the day of in favour of Invalids [or of the resolution of granting commutation in lieu of half pay for life.][1]

That the Secretary of Congress inform Mr Hillegas Treasurer of the U. S. that his removal to New York to administer the duties of his office is indispensable. But that if he can so far arrange his pri-

[1] This report, in the writing of David Howell, except the clause in brackets which is by David Ramsay, is in the *Papers of the Continental Congress*, No. 19, V, folio 143. According to indorsement it was read this day. Roger Alden indorses it as "passed Sep^t^ 1st 1785" and Thomson: "The first resolution in this report debated 3 Oct^r^, 1785, and after debate postponed." This seems to be a pen slip; the month meant was August. See *ante*, August 2.

vate Affairs as to remove to this place by the 1st of Octr Congress will not proceed to the appointment of a person to succeed him.[1]

The Grand Committee consisting of M^r [Abiel] Foster, M^r. [Elbridge] Gerry, M^r [David] Howell, M^r [Joseph Platt] Cook, M^r [John] Lawrance, M^r [Lambert] Cadwallader, M^r [Charles] Pettit, M^r. [William] Hindman, M^r [Samuel] Hardy, M^r [William] Cumming, M^r [Jacob] Read and M^r [William] Houstoun, to whom was committed sundry Motions, Report—That on the 31st December, 1786, the accounts of the several States with the United States, as far as they may then be liquidated shall by the respective Commissioners adjusting the said Accounts be reported to the Board of Treasury, who shall order an Entry to be made in the Books of the Treasury (of such liquidation, and the ballance thereon to be struck) distinguishing the principal from the Interest, and on the 31st Day of December in every succeeding year, the same mode shall be observed untill those accounts are finally adjusted. That the ballance of principal thus Annually ascertained to be due to any State shall bear an Interest of 6 per cent: per Annum, which Interest shall be included in the Estimate of the next, and of each succeeding Requisition, and be discounted from the quota of such State for the respective Year. And if any Ballance should be due to the United States from any State, it shall be charged with the Interest thereof, over and above its Quota of the said Requisition: Provided that nothing herein contained shall affect the Resolution of Congress of the 22d of November, 1777, and of the 6th of October, 1779, which are hereby confirmed nor shall any State be charged compound Interest on any such adjustment.

Provided also that claims for Continental Bills emitted before the 18th of March, 1780, other than those for the payments made on the Quotas of such Bills of any State, pursuant to any Resolutions of Congress, shall not come within the purview of this resolution.

~~Provided, the Commissioner of the Continental Loan Office in each State shall without delay ascertain the sum paid by such State for~~

[1] This motion, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress*, No. 36, III, folio 99. The indorsement states that it was made this day and referred to the Secretary of Congress to take order.

On this day, according to the indorsement, was read a letter from the Board of Treasury, dated August 5, reporting the sale of the frigate *Alliance* for 26,000 dollars in public securities. It is in the *Papers of the Continental Congress*, No. 140, II, folio 45.

~~discharging any part of the Interest due on the domestic Debt contained in the Estimate of this Requisition, and shall make report thereof to the Board of Treasury and also to the Legislature of the said State, which may deduct from its Quota of this Requisition the sum so paid not exceeding two thirds of such Quota: every State being Nevertheless held to pay in specie one third of its quota aforesaid.~~

Where supplies have been furnished by individuals for the use of the United States and have been assumed by any State, the Commissioners for settling the Accounts of such State with the United States shall be authorized and instructed to liquidate such claims upon the same principles as though they had remained in the hands of the Individuals, and admit them as a charge against the United States.

The Grand Committee appointed the day of to consider sundry motions referred to them beg leave to Report that after the words "year 1784" in the second paragraph after the apportionment of the requisition be inserted the following words:

Provided that the Commissioner of the Continental loan office in any State shall not on any pretence whatever settle or issue any certificate or certificates for the interest due on any continental loan office certificate or other certificate of liquidated debts aforesaid being the property of a citizen or Citizens of such State, until the said state shall have passed a legislative act complying with this requisition, nor shall he issue any certificate or take any other measure whereby the interest may be paid by the state in any mode not pointed out by this requisition or whereby a discrimination may be made by such state, between the holder of loan office certificates issued from his office who are citizens of that State and foreigners or the citizens of any other state. But the said Commissioner shall issue certificates for interest as aforesaid due on continental loan office certificates issued from his office to foreigners and also to the Citizens of such States as shall have complied with this Requisition, after administering or receiving a certificate signed by a Notary public of any State that he has administred to the person demanding interest the following Oath or affirmation, to which shall be annexed a schedule of the said certificates designating their dates, number, value, by whom signed and to whom issued.

I ——— do swear (or affirm) that the loan office certificate (or certificates) mentioned and described in the list or schedule hereunto

annexed was on the day of being the date of this requisition and now are the property of a Citizen (or Citizens) of the State of being a State which has passed a Legislative Act in compliance with this Requisition (or of some corporate body or charitable institution within the same) or of some Foreigner or Foreigners who is or are not a Citizen or Citizens of any of the United States (as the case may be) and that I do not present the said certificate or certificates with any fraudulent or collusive intention but in compliance with the true intent and meaning of the Req^{n} of Con-Congress. All which I swear, or affirm, without equivocation or mental reservation.

Excepting from this Proviso, such State or States as by the books of the Treasury shall appear to have paid their full quota of the Req^{n} of the 30th Oct^{r}, 1781, for eight Millions of dollars upon the former and present apportionment of the same so far as to admit the Comm^{r} of the Contin^{l} loan office in such State or States to issue certificates for interest in the same manner as the Commissioner in the States passing legislative acts as aforesaid,

Provided, nevertheless, that where any State hath made provision by Law for paying any part of the interest of the domestic debt of the U. S. contained in the estimate on which this requis^{n} is founded the Continental loan officer in such State shall without delay ascertain the sum which shall have been so paid pursuant to such law on or before the day of next and shall make report thereof to the Board of Treasury and also to the Legislature of such State who may deduct from their quota of this requisition and be credited in part payment thereof the sum so paid not exceeding two thirds of such Quota, every State being held to pay in specie one third part of the said Quota. And if any State shall have so paid in discharge of interest as aforesaid a sum exceeding two thirds of its quota of this requis^{n} such surplus shall be admitted as a charge against the U. S. in the settlement of the general account of such State, but if any Interest after the said day of shall be paid by any State contrary to the true intent of this requisition such payment shall not be admitted as a charge against the United States. And any Comm^{r} who shall disobey these directions shall be dismissed from office by the board of Treasury who are hereby authorized to fill up the vacancy and report the same to Congress.

And every Commissioner of the Continental Loan Office, previous to his settling and issuing Certificates as aforesaid for the Interest due on Certificates of liquidated Debts, not the property of the State in which his Office is kept, shall administer or require a Certificate signed by the Register or Clerk of one of the Counties of the respective State, that he has administered, to the owner or possessor of every such Certificate, an Oath or affirmation, that the same was on the Day of [being the day on which the Act of the Legislature for complying with this requisition passed] and now is, bona fide, the property of a Citizen or Citizens of the said State, or of some Corporate Body or Charitable Institution within the same, or of some Foreigner who is not a Citizen of any of the United States, describing the Certificate or Certificates alluded to in every such Oath or Affirmation, in such manner as shall be necessary to identify the same, or as may be prescribed by the Legislature of the said State.

And for preventing the depreciation of Certificates to be issued as aforesaid, the Legislature of each State is required to provide in the Act for complying with this Requisition, that if on the day of the said State's Quota of the said Certificates so to be issued, shall not be in the Hands of the State Treasurer, or other proper Officer, the deficiency shall be collected and paid into the Continental Treasury in specie, which when so paid, is hereby appropriated to the Redemption of such surplus Certificates.

Provided nevertheless that any State which shall have obtained a Credit in the Books of the Treasury for the full payment of its Quota of this Requisition shall, at any time after such Payment shall have been compleated, be admitted to pay into the Treasury of the United States, any sum or sums in the said Certificates and have Credit for the same, to be deducted out of the whole Quota of such State of the next succeeding Requisition.[1]

[1] These reports, in the writing of Samuel Hardy and others, are in the *Papers of the Continental Congress*, No. 31, folios 259–270. According to indorsement, they were read this day. See *post*, September 13.

Also, a letter of August 1 from Mark McCall accepting the appointment of surveyor. It is in No. 78, XVI, folio 459.

Also, a memorial from Jonathan Trumbull, Jr., dated August 4, 1785, praying the payment of sums owed him. It is in No. 41, X, folio 239. See *post*, August 9.

MONDAY, AUGUST 8, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.[1]

The committee of the week to whom were referred a memorial from Jonathan Trumbull, jun^r, a memorial from Pierre Regnier Roussi and a petition from Captn Pierre Ayott beg leave to Report,

That the memorial from Jonathan Trumbull be referred to a special committee.

That the memorial from Pierre Regnieir Roussi be referred to the paymaster General board of treasury to report and

That the petition from Cap^n Pierre Ayott be referred to a special committee.[2]

[1] On this day, according to Despatch Book No. 185, was read a letter of August 8 from Dr. John Rodgers, accepting the office of chaplain to Congress. It is in No. 78, XIX, folio 507.

Also, a letter from James Dean, dated July 11, announcing that the Onondagas have recognized the Oneida as the head of the Six Nations. It is in No. 30, folio 479.

[2] This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 32, folio 595. It is undated, but Committee Book No. 190 shows that this Committee of the Week was that of August 8. Trumbull's memorial is in No. 41, X, folio 243; Roussi's in No. 41, VIII, folio 353, and Ayott's in No. 42, I, folio 67. See *post*, August 9.

August 8: The following committees were appointed: Of the Week: Mr. [James] McHenry, Mr. [William] Grayson and Mr. [William] Cumming.

Mr. [Pierse] Long, Mr. [Joseph] Gardner and Mr. [Samuel] Holten, on letter of February 7 from the Secretary of the War Office, respecting Peter Bryan Bruin. This was a renewal of the committee of February 21. See *post*, August 31.

Mr. [Rufus] King, Mr. [Charles] Pettit, Mr. [James] Monroe, Mr. [David] Howell and Mr. [John] Lawrance, "To enquire fully into the proceedings of the departm^t of foreign affairs and report thereon to Congress." See *ante*, January 17, 1782.

Mr. [William] Grayson, Mr. [Elbridge] Gerry, Mr. [John] Kean, Mr. [James] McHenry and Mr. [William] Habersham, "To enquire fully into the proceedings of the department of war and report to Congress." See *ante*, January 17, 1782.

Mr. [Joseph] Gardner, Mr. [Samuel] Holten, Mr. [William] Ellery, Mr. [William] Cumming and Mr. [John] Haring, on "Papers respecting the capture and

TUESDAY, AUGUST 9, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of Rhode Island, Mr. [David] Howell; from Connecticut, Mr. [Joseph Platt] Cook; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

Congress proceeded to the election of a commissioner to negotiate with the Western Indians, and, the ballots being taken, Mr. Robert Howe was elected, having been previously nominated by Mr. [Jacob] Read.

condemnation of the Schooner *Good fortune.*" This was a renewal of the committee of March 14.

Mr. [Samuel] Hardy, Mr. [Abiel] Foster and Mr. [Charles] Pettit, on the petition of Daniel Elliot and Alexander Fowler to be paid for advances made to the troops at Fort Pitt. This committee, which was a renewal of the committee of April 4, was discharged September 28 and the papers referred to the Board of Treasury. See *ante*, April 4, and *post*, October 7.

Mr. [William] Grayson, Mr. [John] Lawrance and Mr. [Lambert] Cadwallader, on the petition of William Popham. This was a renewal of the committee of April 4. A report was rendered October 3.

Mr. [David] Howell, Mr. [William Samuel] Johnson, Mr. [James] Monroe, Mr. [William] Ellery, Mr. [Samuel] Holten, Mr. [John] Lawrance and Mr. [Joseph] Gardner, on the "Motion of Delegates of Massachusetts that the expence of raising and keeping up federal army be equalized." This committee was renewed August 26. The motion was made April 12.

On Qualifications: Mr. [David] Howell, Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [William] Grayson, Mr. [Abiel] Foster and Mr. [Abraham] Baldwin. Mr. Baldwin was placed on this committee "in room of Mr. Howell on the particular occasion of examining the credentials of delegates of R. I." See *ante*, May 2.

Mr. [William Samuel] Johnson, Mr. [Abraham] Baldwin and Mr. [John] Bull, on the memorial of James Willing for the settlement of his accounts. This was a renewal of the committee of June 14. On August 26 this committee was discharged and the memorial referred to the Board of Treasury.

Committee Book No. 190.

Also, according to Committee Book No. 190, the committee of June 16 on the petitions of Allison, Caldwell, Mackay and Tudor, was discharged. Tudor's case had been settled on July 22.

Also, the committee of June 15 on Luckett's letter was this day discharged

Also, the letter of December 19, 1784, from the War Office, on courts martial and deserters, was this day referred back to the Secretary at War to report. See *ante*, March 14.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Holten,

Ordered, That the Secretary for foreign affairs, report the number of Consuls and Vice consuls necessary to be appointed by Congress, and the foreign ports in which they should respectively reside.[1]

Adjourned to Monday next, 11 o'clock.

[Motion of Mr Charles Pinckney]

That so much of the resolution of the 17th June, 1782, as respects the appointment of Committees half yearly to enquire into the proceedings of the department of Finance and to report the result thereof to Congress be repealed.[2]

BOARD OF TREASURY,
August 9, 1785.

The Board of Treasury to whom was referred the Letter of Andrew Dunscomb, Commissioner of Accounts for the State of Virginia dated 1st July last, and the Letter of Guillem Artson, Commissioner of Accounts for the State of South Carolina of the 13th July last, beg leave to Report—

That no settlement of the claims of Individuals against the United States, which may have been made under the authority of any State,

[1] This order was also entered by Benjamin Bankson in the manuscript Secret Journal, Foreign Affairs, No. 5. Report was rendered September 20.

On this day, according to the endorsement, the report of the Secretary at War, on the memorial of Captain Nathaniel Irish, was referred to Mr. [William] Grayson, Mr. [Samuel] Hardy and Mr. [Elbridge] Gerry. The indorsement on the memorial states that no report was made and that the papers were returned to Captain Irish August 26, 1791. See *ante*, July 29 and August 3.

On this day, the petition of Captain Pierre Ayotte was referred to Mr. [William] Grayson, Mr. [James] McHenry and Mr. [William] Cumming, who were the Committee of the Week. See *post*, August 25.

[2] This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 36, III, folio 101. It was referred on this day, the indorsement states, to Mr. [David] Howell, Mr. [Pierse] Long, Mr. [Charles] Pettit, Mr. [Rufus] King and Mr. [James] Monroe. See *ante*, July 11.

On this day, as the indorsement indicates, was read a memorial of James Stuart, praying reimbursement for losses suffered in Canada as the result of aiding the American cause. The memorial is in No. 41, IX, folio 373, is dated August 8, 1785, was read and referred, August 17, to Mr. [John] Lawrance, Mr. [James] McHenry and Mr. [Rufus] King.

subsequent to the Resolves of Congress of the 20th February, 1782, shall be deemed conclusive against the United States; but that the same shall be investigated, and finally adjusted by the proper Commissioners appointed by Congress to settle the Accounts of the several States with the United States, agreeably to the Principles established by the Resolves of Congress of the 20 February, 1782, and 3d June, 1784.

That such Claims, when ascertained in the manner before provided, shall be considered on the same footing as if the same had, in the first Instance, been adjusted by the respective Commissioners, appointed in the several States to settle the Claims of Individuals against the United States; and that the said Commissioners shall issue their Certificate accordingly for the amount so liquidated.[1]

MONDAY, AUGUST 15, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, New York, Pennsylvania, Virginia, South Carolina, and Georgia; and from the state of Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader, and from Maryland, Mr. [William] Hindman.

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 381. The indorsement states that it was read this day and referred to the grand committee of August 1. See *post*, September 28.

August 9: The following committees were appointed: Mr. [Samuel] Holten, Mr. [John] Haring and Mr. [David] Howell, on the memorial of Col. Return J. Meigs and Job Greene, son of Col. Christopher Greene, praying reimbursement for £50 borrowed of them by American prisoners in Quebec. A report was rendered September 14. The memorial, dated August 1, is in No. 41, VI, 436.

Mr. [William] Grayson, Mr. [James] McHenry and Mr. [William] Cumming, on the memorial of Jonathan Trumbull, Jr. This committee was discharged September 20 and the memorial referred to the Board of Treasury.

Mr. [William] Grayson, Mr. [Samuel] Hardy and Mr. [Elbridge] Gerry, on the report of the Commissioner for settling army accounts on the memorials of Captains Wylie and Jordan. This report is in No. 62, folio 75, and was read this day; against it Thomson has noted, at a later date, that it was filed.

Committee Book No. 190.

Also, according to Committee Book No. 190, the memorial of Pierre Regnier de Roussi and the report on his former memorial of April 19, 1785, were this day referred to the Paymaster General to report. Report was rendered August 15.

On the report of a committee, consisting of Mr. [John] Lawrance, Mr. [Samuel] Hardy and Mr. [William] Grayson, to whom was referred a memorial of Messrs. F. Lewis, J. Van Zandt and S. Tudor,

Ordered, That the said memorial be referred to the Board of treasury to report.[1]

Congress proceeded to the election of a surveyor for the State of New Hampshire, in the room of Mr. N. Adams, who has resigned, and, the ballots being taken, Mr. Ebenezer Sullivan was elected, having been previously nominated by the delegates for New Hampshire.

The Paymaster General to whom was referred the Petition of Pierre Regnier de Roussi, late a Lieutenant Colonel in the fourth and second New York Regiments, praying the depreciation on his pay, begs leave to report—

That it appears the Petitioner resigned his Commission on the 24th Day of March, 1780. That by the Resolutions of Congress of the 10th day of April, and of the 8th of August, 1780, and of the 15th of May, and of the 12th of August, 1783, this allowance appears to be altogether restricted to the Officers in the Service on the 10th day of April, 1780.

That Monsr Regnier conceives himself entitled to claim his depreciation, peculiarly as he was a foreigner previous to the war; expecting that a distinction would be admitted between foreign and domestic Officers, which principle the Paymaster humbly conceives to be improper, and not justified by any usage or resolution of Congress.

He therefore submits the following Resolve, viz. "That Mr Regnier having resigned his Commission prior to any promise of depreciation,

[1] This report, in the writing of John Lawrance, is in the *Papers of the Continental Congress*, No. 19, IV, folio 141. The Board of Treasury reported October 10, 1785.

On this day probably, although the indorsement states on the 14th, was read a letter of August 9 from A. Paton accepting appointment of surveyor. It is in No. 78, XVIII, folio 561.

Also, a letter of July 30 from William Tate, accepting appointment of surveyor. It is in No. 78, XXII, folio 305.

Also, was read a memorial from Azariah Horton, late Deputy Commissary General of Musters, dated August 2, praying for depreciation of his pay and the land bounty granted to soldiers. According to indorsement action was taken October 19. The memorial is in No. 41, IV, folio 293.

cannot agreeably to the principles adopted by congress in such cases be entitled to this allowance."

JNº PIERCE.[1]

N. YORK,
Augt. 10th 85.

The Board of Treasury to whom the Memorial of George Fisher was referred, beg leave to Report

That however the Claim of the Memorialist, may entitle it to the Public Consideration, such is the present State of the Finances of the United States, that no immediate provision can be made for the Payment of Old Accounts.

That as the Balance due to the said George Fisher became due in the Month of August, 1777, and no Interest allowed on the same, at the time he received the Loan Office Certificates mentioned in his Memorial, the Board are of Opinion, That the said George Fisher is entitled to an allowance of Interest in common with other Creditors of the United States in similar Cases; They therefore submit to the Consideration of Congress the following Resolve

That the Comptroller of the Treasury be authorized and directed on the application of the said George Fisher to order a Register's Certificate to be Issued to him for the Interest which has accrued on the Principal Sum due him betwixt the 15th August, 1777, and the Date of the Loan Office Certificates received by him; and that this Certificate be receivable in Taxes on the Continental Requisitions in like manner with other Certificates issued for the Payment of Interest.[1]

BOARD OF TREASURY,
10th August, 1785.[2]

The Secretary for Foreign Affairs having reported that in his opinion an answer of the following tenor should be written to his Catholick Majesty, and sent to the American Chargé des Affaires at his Court to be delivered, viz.

[1] This report is in the *Papers of the Continental Congress*, No. 62, folio 67. According to indorsement it was read this day and passed February 3, 1786.

[2] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 461. The indorsement states that it was read on this day and Committee Book No. 191 states that it was transferred.

Great and Well Beloved Friend,

With great satisfaction we received your Majesty's Letter of the 27th of September last, which was presented to us by Don Diego de Gardoqui, your Encargado de Negocios. We consider his arrival here in that character, as a proof of your Majesty's friendly disposition towards us; and we received him in a manner which was dictated by the same disposition in us towards your Majesty. Permit us to assure you, that we entertain the most sincere wishes for your Majesty's health and happiness, and that our best endeavours shall not be wanting to ensure and perpetuate to both Countries the blessings of Concord, mutual friendship and good neighborhood. We pray God, Great and well beloved friend, to preserve you in his holy keeping.

By us, the United States in Congress assembled, at the city of New York, the 15th August, 1785.
Your Majesty's Good Friends.[1]

Ordered That said draught be referred to said Secretary to take order.[2]

Motion of Mr. [Elbridge] Gerry: "That good carpets, mohogany arm chairs and tables be provided for the hall of Congress and that each table be daily supplied wth good letter and other paper, pens, ink, penknives, sand wafers &c." [3]

[1] This letter was entered only in the manuscript Secret Journal, Foreign Affairs, No. 5, by Benjamin Bankson and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

[2] This order is entered by Bankson in Resolve Book No. 123, under date of August 15. The letter from the Secretary for Foreign Affairs, forwarding this draft, was dated August 9 and read August 15. It is in No. 80, I, folio 333, and contains the suggestion "that in case an Answer [to His Catholic Majesty] should be thought proper that further Delay might diminish the Effect of it."

[3] This motion was entered by Thomson in Committee Book No. 190 and is noted by him as referred to the Secretary of Congress to take order.

August 15: The following committees were appointed:

Of the Week: Mr. [David] Jackson, Mr. [David] Howell and Mr. [Melancton] Smith .

Mr. [Elbridge] Gerry, Mr. [Charles] Pettit and Mr. [Rufus] King, on letter of August 13, 1785, from Thomas Paine, "desiring to make some communications

TUESDAY, AUGUST 16, 1785.

Congress assembled. Present, Massachusetts, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.[1]

OFFICE FOR FOREIGN AFFAIRS,
15th August, 1785.

The Secretary of the United States for the Department of foreign Affairs, to whom was referred the application of the Delegates of Pensylvania relative to the Conduct of Captain Morales in receiving on Board and Carrying away in his Frigate a Servant of a Citizen of Philadelphia, Reports—

That he immediately laid the Said Application and the Papers which accompanied it before the Encargado de Negocios of his Catholic Majesty; and that he gave your Secretary full and express Assurances that he would without Delay take every proper Measure in his Power for obtaining Justice and Redress.

JOHN JAY.[2]

to Congress or a com^ee of Congress." A report was made August 22. Paine's letter is in the *Papers of the Continental Congress*, No. 55, folio 97.

Mr. [Samuel] Hardy, Mr. [Charles] Pettit and Mr. [John] Kean, on letter of August 15 from the Secretary at War, enclosing a letter of July 16 from Colonel Harmar with Indian speeches. A report was made August 16. Knox's letter is in the *Papers of the Continental Congress*, No. 150, I, folio 75. Harmar's is on folio 71.

Committee Book No. 190.

Also, according to Committee Book No. 190, the letter from the Governor of Massachusetts to the State's delegates in Congress, dated August 8, on "the insolent conduct of Cap^n Stanhope", was referred to the Secretary for Foreign Affairs, who reported August 18. The Governor's letter is in No. 65, II, folio 281.

Also the memorial of Francis Lewis, Jacobus Van Zant and Samuel Tudor was referred to the Board of Treasury, which reported October 10. See *ante*, June 27.

Also the Secretary of Congress was directed to take order on supplying Doctor William Gordon with the Journals of Congress from the year 1780.

[1] On this day, according to Committee Book No. 190, a Mr. Robins (Thomson has blurred the name and hyphened it) was nominated by the Delegates of Massachusetts for Commissioner to negotiate with the Western Indians, in the room of Authur Lee.

[2] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 327. According to indorsement it was read this day.

BOARD OF TREASURY,
12th August, 1785.

The Board of Treasury to whom was Referred the Memorial of John Taylor Gilman, Executor of Nicholas Gilman Esqr late Continental Loan Officer for the State of New Hampshire, beg leave to Report—

That the Allowance made to the said Nicholas Gilman deceased was such as Congress by the Resolves of the 3d of October, 1776, and 29th September, 1778, thought adequate to the Execution of that Office.

That the Services in the said Office commenced in April, 1777, and that all the principal Business ceased in the latter end of the Year 1780, during which time the Commissions and other Allowances to the said Nicholas Gilman deceased amounted to One thousand Seven hundred and sixteen Dollars, seventy ninetieths.

That a very considerable part of this Money has been paid in solid Coin; and no Depreciation suffered on any part of it.

That it cannot be presumed from the amount of Business transacted in the Loan Office of the State of New Hampshire that the whole Time of the Officer was thereby necessarily engrossed.

That if additional Allowances for Service be made to Officers who have had the full benefit of the promises of the United States, and whose attention has not been altogether diverted from Domestic pursuits; what would be the expectations of those, who from various contingencies, have scarcely derived any solid Benefit from the Allowances of Congress, and whose Time, Health and Life, have been altogether devoted to the Service of their Country

From these Considerations the Board submit to Congress the following Resolve.

That the Prayer of the Memorial of John Taylor Gilman Executor of Nicholas Gilman deceased, late Loan Officer for the State of New Hampshire for an additional Allowance for his Father's Services, cannot be complied with.[1]

OFFICE FOR FOREIGN AFFAIRS,
15th August, 1785.

SIR: Having well considered the Nature of the proposed Negociation with the Encargodo de Negocios of his Catholic Majesty, and of

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 533. According to the indorsement it was read this day. Committee Book No. 191 states that the report was filed.

the Commission and Instructions which Congress has been pleased to give me on that Subject; it appears to me proper to submit the following Remarks to their Consideration.

The Commission in my Opinion is well drawn. The Instruction which restrains me from agreeing to any Article, Compact, or Convention without the previous Approbation of Congress is prudent and wise. But the Instruction which directs me previously to communicate to Congress *every* Proposition which in the Course of the Negociation I may think expedient to make to Mr Gardoqui, as well as every Proposition which he may in our Conferences throw out to me, will, I apprehend be exceedingly embarrassing.

I am apprized and feel the Delicacy of asking for Power, and it is far from my Wishes to be left at Liberty to bind Congress by any Acts of my Discretion,—the first part of the Instruction provides against that, and I shall tell Mr Gardoqui, whenever we enter on the Business, that I can finally conclude upon and sign nothing without the previous Approbation of Congress.

But when I consider that in the Course of every Negociation, various Propositions will be made and received, which never take Effect; and that Arguments and Answers to Arguments often assume that Form, and may be classed under that Denomination; I am exceedingly at a Loss to concieve how it will be possible for me to comply with this Instruction and yet do Business in the usual, and in my Opinion the most natural and proper Way.

It is proper and common to instruct Ministers on the great Points to be agitated, and to inform them how far they are to insist on some, and how far they may yield on others. But I am inclined to think it is very seldom thought necessary to leave nothing at all to their Discretion; for where that ought to be the Case, the Man ought not to be employed.

Should Mr Gardoqui discover (and discover it he will) that every thing he may say to me, which may be denominated a Proposition, is to be reduced to Writing and laid before Congress, I think it probable that he would observe more Caution and Reserve, than he might otherwise deem necessary and it does not strike me as expedient thus to urge him to be circumspect.

The Delays which a Compliance with this Instruction will necessarily create, merit some Attention; not so much on Account of their Importance in themselves, as because I fear that Delays which proceed from frequent Recurrences to Congress for Instructions on

contingent and secondary Propositions, will appear affected, and consequently, tend to disgust, especially if he and his Court, Judging by the common Practice, should think such Recurrences unaccustomed and unnecessary.

I am not sanguine in my Expectations that a Satisfactory Termination of this Negociation is practicable in whatever way it may be managed—Obstacles of Weight and Magnitude are in the Way, and I am not without Doubts of the possibility of removing them at present—Such being the State of Things, it is to be wished that if the Negociation should be fruitless the two Nations may return from it without Irritation on either Side.

I know that it is with Congress to give Instructions, and that it is my Business faithfully to execute and obey them—If in their Opinion the Instruction in Question requires no Alteration I will chearfully and punctually adhere to it, for upon this, as upon every other Occasion, I shall think it my Duty to observe their Orders, whatever may be the Light in which the Policy of them may appear to me.

I have the Honor to be with great Respect and Esteem Your Excellency's Most ob.t and very hble' Servt

JOHN JAY.[1]

His Excellency
The PRESIDENT OF CONGRESS.

[Motion of Mr Charles Pinckney]

That the Secy. of Congress be directed to write the Executives of the several States informing them that notwithsg a requisition for the Supplies of the present year and many other important subjects have been for a considerable time and still are under the Consideration of Congress it has not been in their power to keep nine States upon the floor—a number without which any important resolution cannot be passed—that this arises from some of the States not sending any, and others having but two members attending at the residence of Congress, and that should either of them be indisposed, or should they differ in Opinion in the first instance they are unrepre-

[1] The report is in the *Papers of the Continental Congress*, No. 80, I, folio 337. According to indorsement it was read this day and referred to Mr. [James] Monroe, Mr. [Charles] Pettit, Mr. [Elbridge] Gerry, Mr. [James] McHenry and Mr. [Rufus] King. Committee Book No. 190 states that a report was rendered August 17.

sented, and in the other they loose their vote, that unless more attention is paid by the States to their representations in Congress the business of the Union must be frequently and injuriously delayed, and that to prevent these inconveniences in future they be earnestly recommend to keep always not less than three members attending at the place in which Congress may reside.

[represent that the delays produced by the want of an adequate Representation may terminate not only in a neglect of Measures indispensible for promoting the great Interests of the Union, but likewise in a Disatisfaction with Confederation, and in such an alteration as may lay the Foundation for subverting our Republican system—that it is incumbent on Congress to prevent the Reproach which will naturally be inferred in them, by Neglects and Delays of public Business, resulting from the Want of a Representation and that to this purpose Congress order the Secretary to transmit to the Legislatures twice in every month a List of the States represented and unpresented, and of the Number of members from each.][1]

[1] This motion, in the writing of Charles Pinckney, except the part in brackets which is in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, III, folio 103. The indorsement states that it was referred on this day to Mr. [Elbridge] Gerry, Mr. [Samuel] Hardy and Mr. [Charles] Pinckney. The committee reported August 17.

AUGUST 16: The following committees were appointed:

Mr. [William] Grayson, Mr. [James] McHenry and Mr. [John] Kean, on a letter from Isaac Roosevelt, John D. Mercier and William Malcom, dated August 9, on the matter of investigation of claims of contractors for the moving army during the late war (Tench Francis and others and also Comfort Sands and others) and recommending that two more commissioners be added to the investigators. According to indorsement, the letter was read this day. It is in No. 137, III, folio 827. Also a letter from Walter Livingston and Comfort Sands, dated August 2, recommending the same, was referred to this committee. It is in No. 19, V, folio 275. Also Mr. [Elbridge] Gerry's motion was referred to this committee; but the identity of this motion is not noted. The report, rendered October 31, does not mention a Gerry motion.

Mr. [Rufus] King, Mr. [William] Grayson, Mr. [Abraham] Baldwin and Mr. [John] Kean, on the qualifications and credentials of the Delegates from Rhode Island. See *ante*, August 8.

Committee Book No. 190.

On this day, according to indorsement, was read a petition, dated August 5, from Tatum Hall in behalf of Lewis Nicola and the Invalid Regiment and Richard Lloyd, agent for Hazen's Regiment, praying for an allowance as agents and directions as to the distribution of certificates. The petition is in No. 42, V, folio 443. See *post*, August 18.

WEDNESDAY, AUGUST 17, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the State of Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

His Excellency the president, being, by indisposition, prevented from attending the House, Congress proceeded to the election of a Chairman, and, the ballots being taken, the hon^ble^ Samuel Holten was elected.

On a report from the Secretary for foreign Affairs, accompanied with a letter of the 10, from the hon^ble^ the Minister plenipotentiary of the United Netherlands, and a commission from their High Mightinesses the Lords the States general to Diederik Leertouwer, appointing him their consul for New Hampshire and Massachusetts, to reside at Boston,

Resolved, That the said commission be registered in the Office of the Secretary of Congress, and that thereupon, an Act of recognition in due form be immediately issued to the States in question, in order that they may furnish the said consul with their exequatur or Notification of his quality, that the same may be made known and published.[1]

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Samuel] Hardy and Mr. [Charles] Pinckney, to whom was referred a motion of Mr. Pinckney:

[2] Whereas many States in the Union continue to be unrepre-

[1] This resolution and the preamble were also entered, by Benjamin Bankson, in the manuscript Secret Journal, Foreign Affairs, No. 5. Jay's report is in No. 81, I, folio 357. It is indorsed: "The enclosures transmitted Augt 26 to office for F. affairs."

On this day, according to indorsement, was read the report of the committee on the letter of August 15 from the Secretary for Foreign Affairs on negotiations with Gardoqui. It was passed *verbatim* August 25 and is there spread on the Journal.

[2] At this point Roger Alden commences recording the Journal which Thomson, afterwards, read over and corrected in several places as noted above by brackets and lined type.

sented in Congress, or to be represented by only two members, notwithstanding the many urgent recommendations of Congress, for remedying these defects, particularly those of 1st of November, 1783, and the 19th of April, 1784. And whereas from the want of a compleat representation, the great Interests of the Union have frequently been, and continue to be neglected or delayed; and the Confederation itself, or the administration thereof by Congress, may be considered as the cause of evils [resulting from the Inadequacy of Representation] which solely result from an incompleat representation. And whereas it is incumbent on Congress to prevent opinions so derogatory to their honor, and so dangerous to the public welfare, ~~and tending so directly to a Change of our happy Form of Government, for others verging to Aristocracy or even to Despotism~~

Resolved, That the Secretary of Congress shall ~~twice~~ once in every month, transmit to the Legislatures of the respective States, a list of the States represented, and of those unrepresented in Congress, and of the members from each State; that effectual measures may, from time to time, be taken by such States as may be unrepresented or represented by only two members, to remedy these defects,[1]

Ordered, That a copy of this Resolve, and of those to which the first paragraph of the preamble refers, be transmitted to the Legislatures of the respective States.[2]

[1] As a result of this proceeding Thomson caused to be printed blank forms on which the state of the representation could be entered and these forms were filled in and sent to the respective States. Samples of these forms, filled in in manuscript, are in the *Papers of the Continental Congress*, Miscellaneous, in the Library of Congress, for the months of September, November and December, 1785.

[2] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 23, folio 225. The Pinckney motion, see *ante*, August 16, appears to exist only in the text of this report and the copy thereof in the Journal; the words lined out so appear in Gerry's report and not in the Journal; the phrase in brackets is not crossed out in the report and was recorded in the Journal by Alden, but Thomson changed it to the text as printed above. A copy of the vote, except that it omits Cumming of North Carolina, is on folio 227.

[1] In the passing the foregoing act, a division was called for, and that the question be first taken on the resolution: And on the question to agree to the resolving clause, the yeas and nays being required by Mr. [Jacob] Read,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Howell,	ay	*
New York,		
Mr. Lawrance	ay	ay
Haring,	ay	
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	*
Pennsylvania,		
Mr. Jackson,	ay	ay
Pettit,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Monroe,	ay	
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	ay	ay
Bull,	ay	
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Habersham,	ay	ay
Baldwin,	ay	

So it was resolved in the affirmative.

The preamble and the Order passed without a division.

The Committee consisting &c [Mr. Samuel Hardy, Mr. Charles Pettit, and Mr. John Kean] to whom was referred the letter from Colº Harmar with its inclosures submit the following report.

That as it appears from the Speeches of the Chiefs of the six Nations delivered to Colº Harmar at Pittsburg, that the uneasiness of that Nation at the treaty of peace concluded with them at Fort Stanwix arises from a false report that has been propagated among them that the lands which they claimed have not been ceded by Great Britain to the United States by the late treaty of peace. And as it appears necessary that the most effectual steps should be taken to counteract such falsehoods in order to quiet the minds of the Indians, *Resolved,* That the Secretary at War be directed to enclose

[1] At this point Thomson resumes recording the proceedings.

to Col^o Harmar twelve Copies of the late treaty of peace between the United States and Great Britain and that he direct him to take such measures as he shall judge most proper to circulate them among the several tribes of the six Nations, and that he be authorized to draw on the Commissioners of the treasury for dollars to defray the expence of diffusing such intelligence [1]

The Committee of the Week [Mr. David Jackson, Mr. David Howell and Mr. Melancton Smith] on the memorial of Richard Clairborne late a deputy Quarter Master in the service of the United States praying for the allowance of depreciation on his pay during the time he was in service, which commenced the 12th day of September, 1778, and ended the 5th of August, 1780, the whole not being quite two years, beg leave to report, ~~that altho on principles of equity the original contract with every person who entered the line of the army service ought to be made good be their continuance in the same longer or shorter, but as Congress have as yet made no general rule which might comprehend all cases of this nature and as~~ that the act of Congress of the 10th of April 1780 granting depreciation in the first instance does not comprehend the claim of Mr. Claibourne, they are therefore of opinion that the prayer of his memorial for the present cannot be granted.[2]

The Committee of the Week [Mr. David Jackson, Mr. David Howell and Mr. Melancton Smith] on the Memorial of Azariah Horton late a deputy commissary General of Musters in the late army of the United States, praying that he may be allowed the depreciation on his pay while he continued in service, beg leave to report, ~~that however equitable the claim of every officer may be for depreciation on his pay during the time of his continuance in service yet as Congress have adopted no general rule on the subject and extending it in particular cases being a very partial mode of redress.~~

That the case of Mr Horton does not come within the purview of the act of Congress of the 10th April 1780 granting depreciation

[1] This report, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress*, No. 27, folio 277. The indorsement states that it was read on this day and filed October 19. See *ante*, August 15.

[2] This report, in the writing of David Jackson, is in the *Papers of the Continental Congress*, No. 32, folio 629. The indorsement states that it was read this day; consideration postponed. Oct 19 passed and referred to the Secretary of Congress to take order. Order taken May 10, 1786.

in the first instance, as the department to which he belonged was abolished the 12th of Jany preceeding and one years extra pay allowed to each of the officers who had continued in the department eighteen months previous to its abolition. The Committee therefore are of opinion that for the present the prayer of said Horton's memorial cannot be complied with.[1]

The Committee of the Week [Mr. David Jackson, Mr. David Howell and Mr. Melancton Smith] on the memorial of William Finnie late Deputy Quarter Master General in the southern department, praying that the donation of lands and other emoluments appertaining to the rank of a Colonel in the line of the late continental army may be extended to him, beg leave to report, that as the merits of his claim will altogether depend on his being entitled to the rank of a Colonel in the line; and that as it rather appears dubious to them whether such rank is due to Mr Finnie, they therefore recommend his memorial may be referred to the Secretary at War to report.[2]

The Committee [consisting of Mr. John Bull, Mr. William Ellery, and Mr. David Jackson] to whom was recommitted a Letter from Jno. Pierce paymaster gen[l] of the 6th of November, 1784, referring to his Letter dated July 11, 1784, to the Committee of the States, with its inclosures, and also a Petition of the officers of the late American Regiment dated Nov. 20. 1784. report,

That it appears from the said Letters Petition and enclosures that the Officers lately discharged at West Point had appropriated to their own use the sum of 2,276 5/90 dols. more than the two months pay voted them by Congress, that Capt. Thos. H. Condy, paymaster to the regiment at West Point had received a letter from John Pierce paymaster general desiring him to pay the subsistence of the Garrison at that post, for which purpose he addressed to said Condy two draughts on James Lovell, Esquire one for three thousand and the other for eight hundred and eighty-eight dol[s]; that s[d] Condy nego-

[1] This report, in the writing of David Jackson, is in the *Papers of the Continental Congress*, No. 32, folio 631. The indorsement states that it was read on this day, October 19 passed and referred to the Secretary of Congress to take order. Order taken May 10, 1786.

[2] This report, in the writing of David Jackson, is in the *Papers of the Continental Congress*, No. 32, folio 633. It is indorsed August 16, but Despatch Book No. 185 enters it under date of August 17 and Committee Book No. 190 notes that it was referred to the Secretary at War on the latter date. He reported September 15. Finnie's memorial is in No. 42, III, folio 139.

tiated the latter at New York, which enabled him to pay the Garrison their subsistence for May and one half for the month of June; that the ballance being wanted the officers agreed to send a Person to Boston to obtain the Cash for the other Note; that Doct. John Hart having consented to do the business the s^d^ Condy put the said Note into his hands taking his receipt therefore, in which s^d^ Hart promised to get the same exchanged and to be accountable for the same; that in the absense of Doct. Hart Genl. Knox arrived at West Point, with the Resolve of Congress that respected the reform of the Army; that the officers finding they were to receive two months' pay in Mr Morris' Notes, and the four Months which would be then due in Mr Pierce's certificates, several of them applied to the s^d^ Condy at different times, representing that the two months pay would not be sufficient to settle their accounts and carry them home, requesting that as all the money that was expected by Doct. Hart would not be wanted for the purpose for which it was sent or that after paying the subsistence due, said Condy would make a distribution of the overplus, take their receipts and charge the same to their accounts; that he informed them he would by no means do it, as Mr Pierce had pointed out the particular manner in which the money was to be applied; that when Dr Hart returned he paid said Condy 568 dollars, telling him that he was not ready to make a settlement; that the troops at West Point being paid and discharged, said Condy was ordered to Springfield to pay the company stationed there; that when he returned the greater part of the Officers were gone home; that having called on Doct. Hart, he presented him with the receipts of the deranged Officers for six weeks pay to each of them, which they had received on account—that after examining those with the Cash he gave S^d^ Hart he found a deficiency of 147 44/90 dols. which S^d^ Hart informed him he had not got, nor could he account for it, and that this sum with the six weeks and two months pay compleats the settlement for Doct. Hart's services being six months in the year 1784. Upon this statement your Committee, submit the following resolution:

That although Congress cannot approve of the conduct of the Officers of the late American Regiment in receiving of Doct. John Hart in the absense of the Paym^r^ six weeks pay more than they were entitled to receive by the resolution of Congress of June 2nd 1784, yet considering their unexpected discharge from the service and the embarrassments they were under by reason of the Debts they had contracted with an expectation of being fully paid their arrears in

specie, Congress consent that the sum of 2,276$^{53}/_{90}$ Dollars be charged by the Paymaster Genl. to the accounts of said officers, and that he have the same be passed to his credit in the Treasury.

Resolved, That the conduct of John Hart late Surgeon of s^{d} Regiment, in distributing and appropriating to his own use, a sum of money for which he promised to be accountable to the paymaster of the regiment is highly reprehensible.[1]

THURSDAY, AUGUST 18, 1785.

Congress assembled. Present as yesterday.[2]

The Delegates for the Commonwealth of Massachusetts having laid before Congress a letter of the 8th, from His Excellency the Governor of that State, together with a Copy of Letters from Captain Stanhope, Commander of the British Frigate *Mercury*, to his Excellency James Bowdoin, Esquire, Governor of the Commonwealth of Massachusetts, and of his Excellency's answers to the two first of those Letters, the same were

[1] This report, in the writing of John Pierce, is in the *Papers of the Continental Congress*, No. 21, folio 389. It is indorsed as read this day and passed August 25.

AUGUST 17: The following committees were appointed: Mr. [John] Lawrance, Mr. [James] McHenry and Mr. [Rufus] King, on the memorial of James Stewart. See *post*, August 19, also *ante*, August 9.

Committee Book No. 190.

Also, according to Committee Book No. 190, a memorial from J. H. C. Heineken respecting the ship *Minerva* and her cargo was referred to the Secretary for Foreign Affairs to report, which he did on August 25. Heineken's memorial is in No. 41, VI, folio 412.

Also a memorial from William Finnie was read and referred to the Secretary at War to report, which he did on September 15. Finnie's memorial, which is undated, prays for land due him under his rank as colonel. It is in No. 42, III, folio 139, and is indorsed as acted on February 2, 1786. It is further noted that "Two Commissions and certificates from Genl. Greene and Genl. Muhlenburgh delivd. Col. Finnie Sept. 25th 1786."

Also, on this day, according to indorsement, was read a letter from Governor William Livingston of New Jersey, dated August 14, relative to the State's representation in Congress. It is in No. 68, folio 657.

[2] The proceedings regarding this Stanhope affair were entered only in the manuscript Secret Journal, Foreign Affairs, No. 5, by Benjamin Bankson, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

referred to the Secretary for Foreign Affairs, who reported thereon. The Letters and report are as follows:

COMMONWEALTH OF MASSACHUSETTS,
BOSTON, *Augt 8th, 1785.*

GENTLEMEN: Whatever concerns the honor of one of the United States, does in effect, in certain cases, concern the honor of all of them.

This general observation applies to the conduct of Captain Stanhope, Commander of his Britannic Majesty's frigate *Mercury*, who, apprehending himself insulted, applied by his Letter to me for redress. In which Letter he "recommends to me to adopt such measures as may discover the ringleaders of the party that assassinated him." See Letter No. 1. On receiving it, the Council being adjourned to a distant day, I sent for the only Gentleman of that Board in Town, the hon^ble Mr. Adams, with whom I consulted on the affair. In consequence of the Consultation, I sent Captain Stanhope an answer the same day. The answer points out to him the only way of redress, which our laws and constitution admit, and which I myself in a like case, if I took any, must have taken. See Letter No. 2.

This answer, however, did not comport with Captain Stanhope's high idea of himself, who seems to have thought, that some special mode of process was due to a person of his importance.

In consequence of that Idea, and after two days consideration of the matter, he sent me a Letter, which you may probably think may be justly called a very insolent one; in which (but in his own mode of expression) he declares, I gave him positive assurance of affording him and his Officers protection; that my conduct contradicted that assurance and his expectations; that it does not satisfy him, nor does credit to myself; that

he never received a Letter so insulting to his senses, and that it was an evasion of his requisition; with a great deal more abuse, both expressed and implied. See Letter No. 3.

The only part of this declaration it concerns me to notice is that, in which my conduct is said to have contradicted the assurance I had given him of protection.

This occasions a recurrence to two conversations I had with him, within a few days after his arrival here, from which time, until the first instant, I had been, as I presumed, in the good graces of Mr. Stanhope. In one of those conversations, which were principally relative to the recovery of a favourite Servant, who, he said, had deserted from him about a year before, he mentioned that he had been informed, he should probably meet with some insult before his departure, and said he should rely on my protection. I told him he might depend on every protection in my power to afford him; but that in this Country, as in England, the law is every man's protection, and that he would be as much entitled to it, during his stay here, as any man in the Commonwealth; and in conformity to this idea, my letter to him was written.

I have here mentioned no more of the conversation than was needful to afford you some idea of the assurance, he says, I gave him of my protection. But in the course of it, I told him further, that he must know from his own observation, that in large Seaport towns, where there is a resort of all kinds of people and Characters, quarrels and disturbances frequently happened; and that the Seaport towns in England were remarkable for them. That he must be sensible that the new regulations of trade in England, which would finally operate to her own detriment, had disgusted the Americans in general,

and had induced them to take measures to counteract those regulations; and therefore it was natural to expect he would hear sentiments thrown out, which might not be agreeable to him; but that I had no apprehension that any insult would be offered either to him or his officers. These observations, and many more, I thought proper to make, which a man of any discernment, and of the least goodness of disposition, might have applied to his own benefit; and to the exciting and promoting good humour in the people among whom he happened to be.

As he says my conduct contradicted his expectations, it is probable he expected a proclamation should have been issued. This measure was thought of, but I did not think the occasion required it. His conduct for three days after the affront, to the time of his going with his Ship down to Nantasket on the evening of the third instant, manifested that he was under no apprehension of any attack upon him, for during that time, he and his Officers went about the town and in the country as usual, and with as much freedom as any persons whatever. Knowing that the whole of my conduct, both publick and private, had been such as merited at least a decency of behaviour on his part, and sentiments very different from those expressed in his said letter, I wrote to him a short answer to it, which you will see in No. 4, to which he sent the reply contained in No. 5, justifying and repeating his insolence; and this finishes the correspondence. I have only to observe, that it is conceived the honour and dignity of this Commonwealth, and through it the honour and dignity of the United States in general, are essentially wounded by the insolence of Capt Stanhope towards the Chief Magistrate of the former; that unless it be properly resented, every

british Officer of every british vessel, however insignificant, will whenever an opportunity shall offer, insult the government of every State in the Union; and that a tameness under insult must, in the estimation of all Foreigners, effectually destroy the national character and importance of the United States. If after reading the annexed Copy of Letters which passed between the said Stanhope and me, you should be of that opinion, you will please to lay the same before the United States in Congress assembled, that they may take such measures concerning it as their wisdom and a sense of their own honour shall dictate.

With the most perfect regard, I have the honour to be, Gentlemen, your most obedient humble servant,

JAMES BOWDOIN.

The Honble ELBRIDGE GERRY, SAMUEL HOLTEN, RUFUS KING } Esquires

Delegates in Congress for the Commonwealth of Massachusetts.

The Letters from Captain Stanhope were on the cover of each of them thus superscribed: "On His Britannick Majesty's Service.—To His Excellency Governour Bowdoin, &c. &c. &c. Boston."

No. 1.

MERCURY, BOSTON HARBOUR,
August 1st, 1785.

SIR: I am sorry to be obliged to represent to your Excellency the continued insults and disgraceful indignities offered by hundreds in this town to me and my Officers, which hitherto we have winked at, as well as the most illiberal and indecent language with which the newspapers have been filled; nor should I have troubled

you now, had I not been pursued, and my life as well as that of one of my Officers been endangered by the violent rage of a mob yesterday evening without provocation of any sort. I trust it needless to *recommend* to your Excellency to adopt such measures as may discover the ringleaders of the party that *assassinated* me, and bring them to public justice, as well as protect us from further insult.

I have the honour to be your Excellency's obed^t^ hum. serv^t^,

HENRY STANHOPE.

To His Excellency
GOVERNOUR BOWDOIN, &c. &c. &c.

No. 2.

COMMONWEALTH OF MASSACHUSETTS,
BOSTON, *August 1st, 1785.*

SIR: Your letter of this date is now before me. It is a great misfortune that the Subjects or Citizens of different Countries which have been at enmity, cannot easily recover that degree of good humour which should induce them to treat each other with proper decorum, when the governments to which they respectively belong have entered into a Treaty of Amity and sheathed the sword. But you must have observed that disturbances arising from this source too frequently happen, especially in populous Seaport towns. If you have been insulted, and your life has been endangered in manner as you have represented to me, I must inform you, that our laws afford you ample satisfaction. Foreigners are entitled to the protection of the law as well as amenable to it, equally with any Citizen of the United States, while they continue within the jurisdiction of this Commonwealth. Any learned practitioner of the law, if applied to, will

direct you to the mode of legal process in the obtaining a redress of injury, if you have been injured, and the judiciary Courts will cause due inquiry to be made touching riotous and unlawful assemblies and their misdemeanours, and inflict legal punishment on such as by verdict of a jury may be found guilty.

I have the honour to be, sir, your most obe^{t} hum^{l} ser^{t},

JAMES BOWDOIN.

No. 3.

MERCURY, BOSTON HARBOUR,
August 2^{d} 1785.

(N. B. This was sent August 3^{d}, P. M.)

SIR: When I had the honour of applying to your Excellency to discountenance the disgraceful attacks made upon me and the Officers of His Britannic Majesty's Ship *Mercury* under my Command, and to afford us your protection, it was upon your positive assurance to that effect in their presence, I rested my hope. How much your conduct contradicts both that and my expectation is too obvious either to satisfy me or even to do Credit to yourself. For your Excellency must excuse me when I remark, that I never received a Letter so insulting to my senses, as your answer to my requisition of yesterday: I am however pleased in finding a much better disposition in the first Class of inhabitants, whose assistance I am happy to acknowledge, as the more acceptable after your apparent evasion from the substance of my Letter; and however well informed your Excellency may believe yourself, upon the laws and customs of Nations in similar cases, allow me to assure you there is not one, no, not even the Ally of these States, that would not most severely reprobate either the want of energy in government or

disinclination of the Governor to correct such notorious insults to public characters, in which light only we can desire to be received.

I have the honour to be, Sir, your most obed^{t} hum^{l} serv^{t},

H^{y}. STANHOPE.

To his Excellency,
GOVERNOR BOWDOIN, &c. &c. &c.

No. 4.

CAP^{t} STANHOPE; Your letter bearing date the second instant was delivered to me by your Lieutenant, Mr. Nash, at four o'Clock this afternoon. I hereby let you know that as the Letter is conceived in terms of insolence and abuse altogether unprovoked, I shall take such measures concerning it as the dignity of my station and a just regard to the honor of this Commonwealth, connected with the honor of the United States in general, shall require.

JAMES BOWDOIN.

BOSTON, *August 3^{d}, 1785*, 6 o'Clock, P. M.

No. 5.

"MERCURY," NANTASKET ROAD,
Augt 3, 1785.
at ½ past 12, A. M.
(It should have been Augt 4.)

SIR: I am to acknowledge the honor of your Excellency's Letter this moment received; and have to assure you that I shall most cheerfully submit to the worst conquences that can arise from our correspondence, which I do not conceive on my part to have been couched in terms of either insolence or abuse, which is more than I can venture to say of yours. And however exalted your

Excellency's station is, I know not of any more respectable than that I have the honor to fill.

I have the honor to be, Sir, Your very hum^{l} serv^{t},

H^{y} STANHOPE.

To His Excellency,

GOVERNOR BOWDOIN, &c. &c. &c.

The Secretary to the United States for the department of Foreign Affairs, to whom was referred a Letter of the 8th instant from His Excellency the Governor of Massachusetts to the Delegates of that Commonwealth in Congress, reports,

That in his opinion the answer of the Governor to Capt Stanhope's first Letter was perfectly proper, that the Captain's reply was highly disrespectful, and being so, that ~~all further correspondence should have ceased and~~ such measures [might have been] adopted as the laws may prescribe for asserting the dignity of Government in such cases.

He is further of opinion, that two things are essential to the respectability of Government. 1. That it should be always in the right; and, 2. That it should never be opposed or ill-treated with impunity. To these ends its own internal power (in such cases as the present) is or ought to be adequate, and therefore a recurrence to a foreign Sovereign to resent and punish affronts to such Government, committed under its eye and within its jurisdiction, appear to your Secretary ~~inconsistent with~~ [a departure from] that self respect, which on such occasions should invariably be observed, except indeed where such indignities are offered by Ambassadors.

If these principles are well founded, then it will follow as a necessary consequence, that no *complaint* [or application for *redress*] should be made by Congress to His Britannic Majesty on the subject in question.

But as America and Britain are at peace, and in that sense friends, it is to be presumed that disrespect to one from Officers of the other must be offensive to the Sovereign of such Officers; inasmuch as such conduct tends to irritate and alienate the good will of the other. Under this view of the matter your Secretary thinks it would be proper to transmit these papers to the Minister of the United States at the Court of London, and to instruct him to communicate them to the British Minister, and to assure him,

1st That nothing but a desire to avoid increasing the irritation which the late war [may have ~~had left between~~ produced in] the two Nations could have restrained the Governor from resenting the indecent conduct of Captain Stanhope in a severe and exemplary manner. ~~and that he experienced the greater reluctance, lest such Severity might appear imputable in some Measure to that Irritation.~~

2. To assure him, that Congress are persuaded that such behaviour must give no less displeasure to his Majesty than it does to them; and that as all Sovereigns must in a certain degree be affected by the conduct of their Servants, Congress think that the justice due to his Majesty calls upon them to lay this information before him.

3d That Congress flatter themselves that this instance of delicacy and moderation will be ascribed to its proper motives, and be considered as evincive of a desire to prevent animosity and promote mutual goodwill.

Your Secretary also thinks it would be proper to transmit a Copy of this report to the Governour of Massachusetts, and to assure him that Congress consider the dignity of each of the States as inseparably con-

nected with that of the Union. And therefore that it shall on every occasion experience their care and attention.

Resolved, That Congress agree to the said report.

Ordered, That a Copy of this report, together with the foregoing Letters, be transmitted to the Executives of the several States.[1]

FRIDAY, AUGUST 19, 1785.

Congress assembled. Present. New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the State of New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

On Motion of Mr. [Rufus] King, seconded by Mr. [William] Cumming,

Ordered, That the board of treasury report an Ordinance fixing the Standard of weights and measures throughout the United States of America.

[1] The report of the Secretary for Foreign Affairs is in the *Papers of the Continental Congress*, No. 81, I, folio 353. The words lined out were, evidently, so treated in Congress prior to the record being entered in the Secret Journal. Those enclosed in brackets were inserted by Congress. Copies of the correspondence between Bowdoin and Stanhope are in No. 65, II, folios 289–294.

On this day, according to the indorsement, (but August 19 according to Committee Book No. 190), the committee of August 17 on James Stewart's memorial was discharged and the matter referred to the Secretary at War. See *post*, September 12.

On this day, according to Committee Book No. 190, the petitions of Lewis Nicola, agent for the Invalid Regiment, and R. Lloyd were referred to the Board of Treasury to report, which it did on September 24.

Also "A petition of R. Boyd to be employed in coining copper, and all other applications of a similar nature or for supplying the U. S. with copper coin. The board of treasury to report the form of an Ordinance for the establishment of a Mint—Memorial Walter Mould offering to conduct a Mint and Proposals of Mr. Bridgen with joint Letter of Ministers in Europe dated Decem^r 14, 1782, recommending said Bridgden" were referred to the Board of Treasury to report. John Adams' letter of December 14, 1782, is in No. 84, IV, folio 309, and Bridgden's various proposals are all of that year.

On a report of the board of treasury, on a memorial of Hendrick Smock, and of Increase Carpenter,

Resolved, That in all cases where certificates of the United States payable to the bearer, have been lost, and no satisfactory evidence given of the same having been destroyed, it would be improper that any new certificates should issue to replace the same.

That Increase Carpenter produce to the loan Officer of the State where the said certificates issued, the fragments of the certificates by him preserved, being No. two thousand four hundred and twenty seven, one thousand dollars; No. three thousand six hundred and fifteen, two hundred dollars; and No. seven thousand five hundred and eighty seven, Four hundred dollars; and in case the loan officer shall be satisfied of the authenticity of the fragments to him produced, he is hereby authorised and directed, to issue new certificates of the same tenor and date as those destroyed.

[Motion on a letter of 27. April, 1785, from Sec^y for Foreign Affairs]

Resolved, That the Secretary for foreign Affairs be directed to employ some person ~~to go to Genl Washington for the purpose of transcribing and bringing to Congress~~ to collect from Genl Washington a list of the Negroes carryed off from New York by the British Army, or others in violation of the late treaty of peace; to the end that our Minister at the Court of London may be furnished with a Copy of the said list as early as possible.[1]

[Motion of Mr. Elbridge Gerry]

That after the 1st Monday of Novr next all Directions to Congress shall be addressed to their Excellencies the President and Members of the U. States in Congress assembled.

That each Member of Congress shall take Rank of every officer of the U. States.

[1] This motion, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress,* No. 36, III, folio 107. The indorsement states that it was referred to the Secretary for Foreign Affairs to take order. It is also entered, with the order, in Resolve Book No. 123, p. 34.

That it be recommended to the Legislatures of the Several States to make provision by Law, that their Members of Congress shall be inferior in Rank to none but the Governors respectively.[1]

[Motion of Mr. Charles Pinckney]

That the President of Congress shall in future while in the Chair be seated in his robes; and that the Secretary shall also while in the execution during the hours in which Congress shall sit, appear in his robes.

That in all cases the members of Congress shall have precedence of the officers, civil and military in the U. States and of all foreign ministers.[2]

[1] This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 23, folio 229. See committee appointment notes for this day, in the next footnote, and Pinckney's motion, following.

[2] This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 23, folio 233. See committee appointment notes for this day, below, and Gerry's motion, preceding.

AUGUST 19: The following committees were appointed: Mr. [Elbridge] Gerry, Mr. [Charles] Pettit, Mr. [James] McHenry, Mr. [Jacob] Read and Mr. [Samuel] Hardy, on motion of Mr. Gerry "respecting title and rank of Members of Congress and Mr. [Charles] Pinckney's motion respecting robes." This committee was renewed September 6, 1786.

Mr. [Charles] Pinckney, Mr. [Samuel] Hardy, Mr. [James] Monroe, Mr. [Wilcam Samuel] Johnson and Mr. [Zephaniah] Platt, on "Instructions to delegates of Massachusetts to obtain the Opinion of Congress on sundry parts of the definitive treaty of peace." The instructions, dated November 10, 1784, are, in attested copy form, in 65, II, folio 347, and relate to persons who left Massachusetts prior to Oct. 5, 1774, and to the meaning of *bona fide* debts.

Mr. [Rufus] King, Mr. [Charles] Pinckney and Mr. [David] Howell, on "Mr. Pinckney's motion respect^{g} Count de Grasse." This committee was discharged August 30. See *ante*, January 24.

Committee of the Whole, on "Letter 24 December 1784 Gov. of Connecticut Mem^{l} Inhabitants at Wyoming and proceedings of legislature relative to claims of Wyoming Settlers." Committee to meet September 15. See *ante*, January 13.

Also, according to Committee Book No. 190, the memorial of James Stewart was, this day, referred to the Secretary at War to report, which he did September 12.

Also the memorial of James Gilliland was referred to the Commissioner for settling Army Accounts, who reported August 22.

Also the petition of James Heard, praying a settlement of his accounts and reporting the loss of his papers, was referred to the Secretary at War. The petition, undated, is in No. 42, III, folio 469, and is indorsed by Thomson "Dec. 8. 1784."

Also the report on the claim of Francis Cazeau was referred to the Board of Treasury to report.

Committee Book No. 190.

MONDAY, AUGUST 22, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the State of Rhode Island, Mr. [David] Howell; from Connecticut, Mr. [Joseph Platt] Cook; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

The delegates for Massachusetts laid before Congress an Act of the legislature of that State, entitled, "An Act to authorise the United States in Congress assembled, to appoint Commissioners to compleat the running the line of jurisdiction, between the Commonwealth of Massachusetts and the State of New York, on the easterly part of the State of New York." [1]

A letter, of 20, from R. Howe, esq^r was read, signifying his acceptance of the Office of Commissioner to negotiate with the Western Indians.[2]

The committee [consisting of Mr. Elbridge Gerry, Mr. Charles Pettit and Mr. Rufus King] to whom was referred a Letter of the 13th instant from Mr. Thomas Paine report

That they have confirred with Mr. Paine, and thereupon submit the following Resolution.[3]

[1] The act is in the *Papers of the Continental Congress*, No. 74, folio 221.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 427.

[3] This report, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 55, folio 101. According to indorsement it was read this day. The resolution submitted was adopted by Congress verbatim on August 26 where it is spread on the Journal.

AUGUST 22: The following committees were appointed: Of the Week: Mr. [Joseph Platt] Cook, Mr. [Melancton] Smith and Mr. [William] Grayson.

Mr. [William] Grayson, Mr. [James] McHenry and Mr. [Lambert] Cadwallader, on a letter of August 18 from the Secretary at War, relative to forming the troops of the United States into one regiment and the difficulties apprehended in the promotion of officers. This committee was renewed April 6, 1786. Knox's letter, which was read this day, is in No. 150, I, folio 79.

Committee Book No. 190.

Also, according to Committee Book No. 190, a letter of August 4, from Willing, Morris & Swanwick, respecting certificates purchased from William Young,

TUESDAY, AUGUST 23, 1785.

Congress assembled. Present as yesterday.

On a report from the Secretary to the United States of America for the department of Foreign Affairs, to whom was referred a Letter from him of the 2d ins^t^ mentioning a conversation between him and Mr. De Marbois respecting the case of Longchamp,

Whereas the Chargé des Affaires of his Most Christian Majesty has signified to the Secretary to the United States of America for the Department of Foreign Affairs that His Majesty would not persist in his demand that Mr. Longchamps be delivered up to him, and proposed that the paper containing that demand together with the others received from him by the said Secretary on that subject be returned to him;

Ordered, That the said Secretary do return the same to him accordingly.[1]

was read and referred to the Board of Treasury to report. It is in No. 78, XXIV, folio 535, and is indorsed that the report was rendered March 28, 1787.

Also the memorial of Col. John Lamb, late Colonel of the 2d Continental Artillery, was read praying allowance for rations and referred to the Commissioners of Army accounts to report.

Also a petition from Hubert Du Bois praying compensation for services in Canada and provisions for self and wife as granted to other Canadian refugees, was referred to the Secretary at War to report, which he did September 12.

Also, according to indorsement, the report of the Commissioner of Army Accounts on James Gilliland's memorial, was read. It is in No. 62, folio 83. Congress acted on the same February 3, 1786.

Also, according to indorsement, was read a letter of August 20 from Michael Hillegas expressing appreciation of Congress' favors and hoping to arrange matters so as to continue in the service. It is in No. 78, XII, folio 423.

Also, according to Despatch Book No. 185, was read a letter and memorial of August 22, from Nathaniel Sackett and others praying for a grant of land sufficient for establishing a state in the Western country. It is in No. 78, XXI, folio 415.

[1] This proceeding was entered by Benjamin Bankson only in the manuscript Secret Journal, Foreign Affairs, No. 5, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III. Jay's original report is in No. 81, I, folio 361.

The Secretary of the United States for the department of war to whom was referred the memorial of Udny Hay, Esq., reports—

That Udny Hay Esquire of the first battalion of the regiment commanded by Colonel Moses Hazen was upon the particular recommendation of General Gates appointed by a special resolution of Congress of Jan.^{y}, 9, 1777, to be lieutenant colonel by brevet and assistant deputy quarter master general. The only instance of that time existing in the american service of an assistant deputy quarter master general having so high rank.

That he continued in the quarter master general's line in the field until the new arrangement of that department which took place on the 2nd of March, 1778, when he was re-appointed by Major General Greene as deputy quarter master general of the middle department. But as that arrangement precluded those not of the line of the army from having military rank lieutenant colonel Hay with the advice of his friends made a particular application to Congress that he might be permitted to retain his rank. Their opinion at that time was so different from his wish that they passed the resolution of the 29th May, 1778 particularly affecting him and a general resolution respecting all persons employed in the staff department.

Upon this decision of Congress so opposite to his expectations he would have immediately quitted the service, but his friends in the army persuaded him to the contrary on the strength of the hope that by a representation of the peculiarity of his case that his rank might be restored to him.

That applications were accordingly made to the President of Congress by a number of General officers of high rank but without the intended effect.

That on the 13th April, 1781, he again applied by a memorial to Congress upon the subject of his rank who were pleased on the 10th May following to refer it to the Commander in chief with instructions to appoint a board of officers to consider and determine upon the said memorial & make report to Congress.

That the determination of the said board was transmitted to Congress by the Commander in chief on the 18th of August being as follows "That they are of opinion that Udny Hay Esquire ought to enjoy the rank and emoluments of a retiring lieutenant colonel."

That it appears lieutenant colonel Hay thought this determination of the board of General officers final and applied to the Paymaster general for the emoluments accordingly: but as Congress had not

confirmed the opinion of the board of officers, the paymaster general did not find himself authoriz'd to make the settlement requested—

That it appears from the best evidence that colonel Hay possessed the most lively zeal for the service and that his integrity industry and exertions were equalled by few and exceeded by none. That these circumstances are certified in the most ample and honorable manner by all the General officers under whom he served, copies of which are annexed.

As Congress did imply by referring lieutenant colonel Hay's memorial of 1781 to the determination of a board of General officers their intention of subjecting the resolution of the 29 May, 1778, to a revision; and the fact being fully established that lieutenant colonel Hay did render numerous important services to the public by which he has not bettered his fortune, your Secretary is of opinion that the liberal justice of the United States to faithful servants would require the confirmation of the opinion of the board of General officers—Upon these reasons he submits the following resolution:

Resolved, That in consideration of the merits and services of lieutenant colonel Udny Hay Congress approve and confirm the opinion of a board of General officers held at White-plains 14th August, 1781, allowing him the emoluments of a retiring lieutenant colonel.

H. Knox.[1]

Board of Treasury,
New York, *Augt 23. 1785.*

Sir: Congress by their resolve of the 18th of Septr 1782, having authorised and directed the Commissioners of public Accounts in the State of Virginia, to examine receive and destroy a certain sum of the old emissions of Continental Currency, belonging to that State, we directed the Commissioners to apply to the Treasurer of the United States for every necessary information to enable him to detect Counterfeits. We do ourselves the Honor of laying before Congress the copy of a Letter lately received from Mr Hillegas on this subject.

Our duty to the United States constrains us to wish that all Continental Currency be cancelled at the Treasurers Office—at which

[1] This report is in the *Papers of the Continental Congress* No. 151, folio 75. According to indorsement it was read this day and referred, on June 12, 1788, to Mr. [Alexander] Hamilton, Mr. [James Randolph] Reid, and Mr. [Samuel Allyne] Otis. "See Journal July 22d, 1788 on report of Comee." Copies of the papers accompanying the report are on folios 79–86. See *ante,* May 16.

place *only* there is any probability of detecting Counterfeits. The risque and charge of transporting it by Land to this place, would be trifling.

When we add to the reasons assigned by the Treasurer, the importance of not diverting the attention of the State Commissioner from the established duties of his office we trust that Congress will judge it necessary to direct this, and all other sums of Continental Money to be destroyed at the Treasurers Office.[1]

To ascertain the quantity and situation of the timber cut and belonging to the United States in the State of Georgia and report the same to Congress.

Ordered That the above be referred to the Board of Treasury to take order.[2]

WEDNESDAY, AUGUST 24, 1785.

Congress assembled. Present as before.

Mr. Ebenezer Sullivan having declined the Office of Surveyor for New Hampshire, pursuant to the Ordinance of the 20th of May last, Congress proceeded to the election of a Surveyor for the said state, and, the ballots being taken,

Mr. Edward Dowse was elected; having been previously nominated by the Delegates for that State.

A letter, of 1 from J. Rutledge, Esqr was read, informing that he has received Notice of his having been unanimously elected a minister plenipotentiary to the United Netherlands; that he would, with great pleasure, accept the appointment if he could with any degree of convenience, but that having been for a long time wholly engaged in public business, his own affairs now require attention, and will

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 139, folio 61. According to the indorsement, it was read this day and referred to the Board of Treasury to report. A copy of the Hillegas letter is on folio 53. See *post*, August 31.

[2] This proceeding is entered by Benjamin Bankson under date of August 23, 1785, in Resolve Book No. 123. It is also entered by Thomson in Committee Book No. 190.

not for some years admit of his going to reside in Europe; Whereupon,

Resolved, That Wednesday next be assigned for electing a minister plenipotentiary to the United Netherlands.[1]

On motion of Mr. [Charles] Pinckney, seconded by Mr. [Rufus] King,

Resolved, That the Secretary to the United States for the department of foreign affairs be, and he is hereby directed to report the draft of an act to be recommended to the legislatures of the respective states, for punishing the infractions of the laws of nations, and more especially for securing the privileges and immunities of public Ministers from foreign powers.[2]

THURSDAY, AUGUST 25, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the State of Rhode Island, Mr. [David] Howell, and from New Jersey, Mr. [Lambert] Cadwallader.

On the report of a committee, consisting of Mr. [John] Bull, Mr. [William] Ellery and Mr. [David] Jackson, to whom

[1] This resolution and preamble were also entered by Benjamin Bankson in the manuscript Secret Journal, Foreign Affairs, No. 5. Rutledge's letter is in No. 78, XIX, folio 501.

[2] This resolution was also entered by Benjamin Bankson in the manuscript Secret Journal, Foreign Affairs, No. 5. The motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress,* No. 36, III, folio 109.

On this day, according to the indorsement, was read a letter from Lt. Col. Josiah Harmar, dated August 1, forwarding a return of troops at Fort McIntosh. It was referred to the Secretary at War and is in No. 163, folio 480.

Also on this day, according to Committee Book No. 190, Rufus King was excused from acting on the committee of August 16 on the qualifications and credentials of the Rhode Island delegates and Charles Pettit appointed in his place.

Also, Mr. Ralph Izard was nominated by Mr. [Jacob] Read for Minister to the United Netherlands.

was referred a letter of 6 November, 1784, from J. Pierce, paymaster general; and a petition of the Officers of the late American regiment, dated 20 November, 1784,

The Committee [consisting of Mr. John Bull, Mr. William Ellery and Mr. David Jackson] to whom was referred the letters from Messrs. Pearce and Thompson, relating to the United States Lottery debt with the State of New Jersey Report That the Resolution of Congress of the 21st December, 1782, on that head be adhered to—

~~The same Committee to whom was referred the application of John Blair setting forth that by Virtue of a General order, he was appointed Agent for the late 1st 3d and the Jersey Regiment to settle with the paymaster Genl and receive the Certificates for the arrears of pay due to the Officers & Soldiers of the sd Regiments, agreeable to an Act of Congress of the 3d Novr. 1783—that he accordingly made the sd settlement—that in the issue of this business he had spent considerable time and incured heavy expenses, and that he has remaining in his hands—a considerable number of Certificates, and praying that some more may be taken for him to account for the trust reposed in him—directing in what manner he is to be paid for his Services, and how the Certificates remaining in his hands, are to be desposed of—Your Committee—Submit the following Resolves—That the Executive of the State of New Jersey be requested to receive and examine the Acots of John Blair as Agent to the 1.3. and Jersey Regiment, and to make him such allowance in addition to the sum of twenty five dollars, allowed by the Resolution of May 27th 1778 to Regimental paymasters taken from the line of the Army, as they may think him entitled unto—Resolved that John Blair lodge such Certificate as may be in his hands, in the Treasury Office of the State of New Jersey for the benefit of Such Soldiers or their legal representatives as maybe entitled thereto—~~

The same Committee to whom was referred a letter from Charles Stockley setting forth that on the 30th or 31st of October after the reduction of Charleston, he was appointed paymaster to the Virginia line, and desiring that Congress would determine what additional pay should be allowed him while he acted in Said Capacity—Report that Charles Stockly should receive the pay allowed to a paymaster taken from the line by the Resolution of Congress of the 27th of May 1778 in addition to his pay as officer in the Line, during the time he Acted as Paymaster to the Virginia Line.

The same Committee to whom was referred a letter from Jno Pierce Paymaster Genl. of the 6th Nov. 1784 referring to his letter dated July 11 1784 to the Committee of the States with its enclosures, Report * * * Upon this Statement your Committee are of opinion that the Conduct of the officers at West Point & particularly that of John Hart is reprehensible—That the Paymaster General John Pierce is accountable for the said sum of 2,276 53/90 dolls and that it is advisable that the Said Paymaster General should make a legal demand of Dr John Hart for the amount of the warrant delivered to him by Capt Condy, which said amount the Sd John Hart received of John Lovell Esq. of Boston in the State of Massachusetts, and hath not accounted therefor.

Your Committee on reconsidering the matters recommitted to them respecting the conduct of the officers at West Point as also the Petition of the Said officers of the 28th Nov., 1784, in excuse of their conduct, Report—

That they see no new reasons offered by the Sd officers, to induce them to alter their former report on this subject, therefore beg leave to refer to the same.[1]

Resolved, That the sum of two thousand two hundred and seventy six dollars and fifty three ninetieths of a dollar be charged by the paymaster general, to the accounts of the said Officers, and that the same be passed to his credit in the treasury.[2]

On the report of a Committee, consisting of Mr. [James] Monroe, Mr. [Charles] Pettit, Mr. [Elbridge] Gerry, Mr. [James] McHenry and Mr. [Rufus] King, to whom was referred a Letter of 15th, from the Secretary for Foreign Affairs,

[1]This report, in the writing of John Bull, is in the *Papers of the Continental Congress*, 21, folio 393. It is undated but appears to have been rendered on this or an approximate date and the business settled on August 25. See *ante*, August 17. The omitted portion is a verbatim reproduction of the report of August 17.

[2]On this day, according to the indorsement, was read a petition of Captain Pierre Ayotte, dated August 25, respecting Joseph Boyer Pellon. It is in the *Papers of the Continental Congress*, No. 42, I, folio 63. It is indorsed: "Aug. 26. Mr. Ayotte has leave to withdraw this." See *post*, September 12.

Resolved, That the last paragraph in the instructions to the Secretary to the United States for the department of foreign Affairs, passed July 20th, 1785, for entering into a treaty, compact or convention with the Encargado de Negocios of his Catholick Majesty, in the words following:

"That the Secretary to the United States of America for the department of foreign Affairs be, and he is hereby instructed, previous to his making propositions to Don Diego de Gardoqui, or agreeing with him on any Article, Compact or Convention, to communicate to Congress the propositions to be made or received relative to such Article, Compact or Convention," be repealed, and that the following be substituted in its place:

That the Secretary to the United States for the Department of foreign Affairs be and he is hereby instructed, in his plan of a treaty with the Encargado de Negocios of his Catholick Majesty, particularly to stipulate the right of the United States to their territorial bounds, and the free Navigation of the Mississippi, from the source to the Ocean, as established in their Treaties with Great Britain; and that he neither conclude nor sign any treaty, compact or convention, with the said Encargado de Negocios, until he hath previously communicated it to Congress, and received their approbation.[1]

The Board of Treasury to whom was referred the Memorial of William Thompson Commissioner of Accounts for the State of Con-

[1] This proceeding was entered by Benjamin Bankson only in the manuscript Secret Journal, Foreign Affairs, No. 5, and in Secret Journal No. 4; a copy is in Secret Journal No. 6, Vol. III; the report, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 25, II, folio 441. See *ante*, August 17.

On this day, as the indorsement states, was read a memorial of James McLean praying for pay for service in the Invalid Corps. It was referred to the Secretary at War to report. He reported September 29. Committee Book No. 191 states that the report was transferred. The memorial is in No. 41, VI, folio 432.

necticut, in order to ascertain, and Report on the matters therein contained, beg leave to report—

That it appears by the Deposition of the said William Thompson, that a certain Roger Wolcott of East Windsor in the State of Connecticut, did in the month of October, 1784, cause to be sold at Public Auction at Hartford in the State of Connecticut a Certificate issued by John Pierce Commissioner for Setling the Army Accounts, purporting to be for the sum of Eight hundred Dollars, the original Sum of which, was only Eight Dollars, and four ninetieths; which Certificate was purchased by the aforesaid William Thompson.

That the said Roger Wolcott finding himself detected, attempted to corrupt one of the Witness, in order to induce him to suppress his evidence; and employed his Sons in Law to compromise the matter with the said William Thompson, by making good the damage he had sustained in the purchase, both which attempts proved unsuccessful.

That although the Magistrate before whom the said Roger Wolcott was brought, declared on his first being apprehended that the said Roger Wolcott, should be Imprisoned, unless he could find Bail in the Sum of two hundred Pounds lawful Money of Connecticut yet he was afterwards admitted to Bail in a Moiety of that Sum by the said Magistrate, who alledged as a reason for mitigating the Bail that it was in consequence of a request from the first Judge of the County Court (Uncle to the said Roger Wolcott) and that if he had insisted on the Bail first proposed, the said Roger Wolcott must have suffered the Penalty of the Law, and the State would have thereby been deprived of the benefit of the Forfeiture.

That the said Roger Wolcott did not appear at Court at the term specified in the recognisance, whereby the Sum of one hundred Pounds became forfeited to the State of Connecticut, and that since this period, notwithstanding an Application has been made by the said William Thompson to the Chief Justice; Attorney General, and General Assembly of the State of Connecticut, no further legal process has been Instituted against him, nor any measures adopted for the more effectual suppression in future of that Species of Forgery, with which the said Roger Wolcott stood charged.

From the above premises, which are supported by the Papers which accompany this Report, the Board beg leave to observe—

That the Crime of Forgery, at all times destructive in its consequences to all Commercial Countries, becomes more extensively so in

the State where the Evidences of the Public Debt, are very numerous, and dispersed amongst persons of all Ranks and Conditions.

That no benefit which any State can derive from the forfeiture of Recognisance entered into by persons charged with Counterfeiting the Public Securities, can be adequate to the evils thereby sustained by the Community in general, or tend to suppress the Commission of the Offence, which ought undoubtedly to be the object of every penal Law.

That, in the opinion of this Board, an uniform strictness, in the Laws of the several States, for punishing the crime of Counterfeiting or fraudulently altering the Public Securities, is essentially necessary to its suppression; since the mischievous ingenuity of Persons concerned in such fraudulent practices will readily discover, in what States the inefficacy, or mildness of the Law, will enable them to Execute their projects, in such a manner that the prospect of Benefits to be derived by their operations, will greatly over-balance the risque of detection.

From these Considerations the Board submit to the consideration of Congress the following Resolves.

That it be strongly recommended to the several States to Revise their Laws for preventing the Counterfeiting or fraudulently altering the Securities of the United States, so as to make the punishment adequate to the extensive and destructive consequences of this crime and to prevent any Persons charged with such offence from being admitted to Bail, but by the Authority of the Justices of the Supreme Court in the respective States.

That the Commissioners of the Board of Treasury be directed to signify to William Thompson Esqr Commissioner of Account for the State of Connecticut, that Congress have a due sense of his laudable exertions in endeavouring to bring the Authors of the Forgery mentioned in his Memorial to Condign punishment.[1]

AUGUST 24th 1785.

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 439. According to the indorsement on the accompanying letter from the Board, it was read this day. Thompson's memorial, dated July 11, is in No. 41, X, folio 209. See *ante*, July 12.

On this day, according to the indorsement, was read a letter of August 25, from Nathanael Greene respecting clothing supplied to the Southern Army by Hunter, Banks & Co., in 1781–2 and Greene's responsibility for payment. It is in No. 151, II, folio 710.

OFFICE FOR FOREIGN AFFAIRS,
24 Augt 1785.

The Secretary of the United States for the Department of foreign affairs, to whom was referred the memorial of 17 January last from Jan Hendrick Christian Heineken, one of the agents of the Prussian Ship *Minerva,* touching a Decree of the Court of Appeals in cases of Capture, reports—

That it appears that the said Heineken did present another memorial on the same subject, and dated 4 Octo. 1783, to Congress. That on the 8 Jany 1784—Congress did resolve that the said last mentioned memorial, with the Papers accompanying it, be referred to the Judges of the Court of appeals in cases of Capture, to report to Congress as speedily as may be, the Proceedings, Proofs and Judgment in the above mentioned cause.

That the said Judges have not reported the same, as by the said Resolution it was made their Duty to have done.

Upon this state of Facts your Secretary is of opinion that Inquiry should immediately be made by the Secretary of Congress, whether a Copy of the said Resolution has been and when transmitted to the said Judges, and if it shall appear that they did receive it in season, that then a Day be assigned for them to appear personally before Congress, to shew Cause why they have not obeyed it.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

OFFICE FOR FOREIGN AFFAIRS,
25 Augt 1785.

SIR: I have the Honor of transmitting to your Excellency, herewith enclosed, a Letter from the Chargé des Affaires of France of the 20th Instant with a Memorial that accompanied it, from certain french Merchants to him, stating objections to Laws lately passed in New Hampshire and Massachusetts, respecting commercial objects.

I also enclose Translations of these Papers and have the Honor to be etc.

JOHN JAY.[2]

His Excellency
The PRESIDENT OF CONGRESS.

[1] This report is in the *Papers of the Continental Congress* No. 81, I, folio 365. According to indorsement it was read this day.

[2] This letter is in the *Papers of the Continental Congress* No. 80, I, folio 341. According to indorsement it was read this day and referred back to the Secretary

FRIDAY, AUGUST 26, 1785.

Congress assembled. Present, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

On motion of Mr. [Charles] Pinckney, seconded by Mr. [Jacob] Read,

Resolved, That when a motion is made to postpone a report, motion or proposition before the house, in order to take up another proposition, no amendment shall be made or received until the question is put and decided to postpone what was before the house.

The Order of the day being taken up to elect a commissioner to negotiate with the Western Indians, in the room of Mr. Lee, who is elected a commissioner of the board of treasury:

Ordered, That it be postponed till Monday next; and that, that day be assigned for the election of a fifth Commissioner for negotiating treaties with the Western Indians.

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Charles] Pettit and Mr. [Rufus] King, to whom was referred a letter of the 13, from Thomas Paine,

Resolved, That the early, unsolicited and continued labours of Mr. Thomas Paine, in explaining and enforcing the principles of the late revolution, by ingenious and timely publications upon the nature of liberty and civil government, have been well received by the citizens of these states, and merit the approbation of Congress; and that in consider-

to report. Committee Book No. 190 states that report was rendered October 10; the indorsement further states that October 13 was assigned for consideration and that the letter and memorial were "transmitted to the Office of for^n Affairs Novr 6, 1787."

ation of these services, and the benefits produced thereby, Mr. Paine is entitled to a liberal gratification from the United States.

[Motion by Mr. Charles Pinckney]

That the Secretary be directed to take ~~all the~~ one set of each public papers in the city of New York for the use of Congress.

Augt 26, 1785: Referred to the Secretary of Congress to take Order.[1]

[1] This motion, in the writing of Charles Pinckney is in the *Papers of the Continental Congress*, No. 36, III, folio 111. The order referring it to the Secretary is entered thereon by Charles Thomson. In Resolve Book No. 123, the entry by Benjamin Bankson reads:

"Motion For taking the several News-papers published in New York. An advertisement for proposals from the Printers to publish a new Edition of the Journals in folio, Congress taking 1,000 Copies."

August 26th 1785: "Ordered That the same be referred to the Secretary of Congress to take order." Thomson has written after this: "On this the Secretary took order to publish for proposals, the proposals of the printers he laid before Congress, who referred them to a com^ee and the com^ee made report on which no decision is come to."

On this day also, according to indorsement, was read a letter from the Secretary for Foreign Affairs, transmitting letters from John Adams, dated June 2^d, 6th and 17th and also one from Adams' secretary William Stephens Smith, of June 20. Jay's letter is in No. 80, I, folio 349; Adams' are in No. 84, V, folios 469, 491, 499, 507.

August 26: The following committee was appointed: Mr. [David] Howell, Mr. [William Samuel] Johnson, Mr. [William] Ellery, Mr. [Samuel] Holten, Mr. [Abraham] Baldwin, Mr. [William] Cumming and Mr. [Melancton] Smith, on the motion of the Massachusetts delegates to equalize the expense of raising and keeping up a federal army. This was a renewal of the committee of August 8 on the same matter.

Also, the memorial of Dominique L'Eglise, praying payment of his certificate and dated August 26, was referred to the Board of Treasury to report, which it did October 24. The memorial is in No. 41, V, folio 424.

Also, the committee of August 8 on the memorial of James Willing was discharged and the matter referred to the Board of Treasury to report.

Also, Mr. John Houstoun was nominated by Mr. [Abraham] Baldwin for Minister to the United Netherlands. His name, at some unknown later date, was withdrawn.

Committee Book No. 190.

MONDAY, AUGUST 29, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, South Carolina and Georgia; and from the State of Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader; from Virginia, Mr. [Samuel] Hardy, and from North Carolina, Mr. [William] Cumming.

On motion of Mr. [Charles] Pinckney, seconded by Mr. [James] McHenry,

Resolved, That the 28th rule instituting and specifying the duties of a committee of the week, be, and it is hereby repealed; and that the said duties be in future performed by the Secretary of Congress; provided that no order shall be taken on any letter, petition, memorial or application whatsoever, until the same shall have been first read in Congress.[1]

On Application of Mr. S. Osgood, one of the Commissioners of the board of treasury, for leave of absence for twelve or fourteen days,

Ordered, That leave be granted unto him accordingly.[2]

BOARD OF TREASURY,
27th August, 1785.

SIR: Since the resolve of Congress of the 6th July last, directing the Board to report the allowances proper to be made to the Receivers

[1] This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 36, III, folio 113. In No. 180, Reports of the Secretary of Congress, Thomson has entered: "The rule repealed is as follows: Rule 28. On every Monday after reading and taking Order on the public dispatches, a committee of three shall be appointed, who shall every morning during the Week report to Congress, the orders necessary to be made on such dispatches as may be received during the adjournment or sitting of Congress upon which no orders shall have been made."

[2] Osgood's letter is in No. 78, XVII, folio 373.

On this day, according to Committee Book No. 190, the memorial of Samuel Tudor was referred to the Board of Treasury to report, which it did October 26. See *ante*, July 22.

Also, Mr. [David] Howell, Mr. [Pierse] Long, Mr. [Charles] Pettit, Mr. [Rufus] King and Mr. [Samuel] Hardy were appointed a committee "To revise the regulations of the treasury department and report an Ordinance for its future regulation." This was a renewal of the committee of July 11.

of Continental Taxes, our Enquiries have naturally turned to the present Establishment and Duties of the Loan Officers, the manner in which they have executed their Trust, the effects which have flowed from the system, and how far it is compatible under the existing arrangement, to the new Trust reposed in it.

The Office was established by the Resolve of Congress of the 3d October 1776, the respective Officers were to be appointed by the several States which were to be responsible for the faithful discharge of their duty. They were to keep regular Books and to transmit to the Continental Treasurer a monthly account of the cash in their respective Offices; besides receiving monies on Loan, and answering the Drafts of the Treasurer, the annual interest was to be paid at the respective Offices.

Their allowance for all their services was by that Resolve to be, one eighth per cent on all monies brought in to their respective Offices.

By the resolve of Congress of the 29th of September, 1778, the Loan Officers were to be allowed two per cent on the amount of the past and future payments of Interest.

The manner in which have this office has been executed may be ascertained by the Letter of the Comptroller to this Board of the 20th Inst. Copy of which we do ourselves the honor of transmitting.

The effects which have flowed from the establishment of this office have been such as might be naturally expected from Officers not personally responsible for the execution of their trust to those whose interest was confided in them—unsettled accounts, a non-compliance with the resolves of Congress and the instructions of the Treasury, and in some instances of importance an absolute deviation from them. Some striking proofs of the validity of this observation have come to the Knowledge of this Board. In several States the Loan Officers have issued certificates of interest beyond the period of time prescribed by Congress, and in a late instance (the evidence of which is transmitted for the information of Congress) the certificates of interest issued in consequence of the Resolve of Congress of the 27th of April, 1784, have been more, than the principal and interest fairly due (estimating the principal loaned agreeably to the scale of depreciation as established by the Resolve of Congress of the 28th June 1780.)

If such irregularities in this office have prevailed in consequence of its present establishment, what evils may not be feared, when the Trust proposed, and the temptations of abuse are far greater, and

the consequences of irregularities, (especially in the liquidation of the domestic interest) infinitely more extensive.

Without the gift of prophecy it may reasonably be inferred, that the Commissioners of the Treasury will never be able to ascertain what, if any monies, are in the hands of the several officers, to controul its disposition, or to prevent those abuses in the payment of interest, which without the greatest vigilance will creep in, to the enormous augmentation of the national debt.

As it is one of the express duties of our office to digest and Report plans for Regulating and Improving the Finances, we beg leave to submit to the consideration of Congress the following plan for regulating the receipt of Taxes and payment of the interest due by the United States.

That it shall be the duty of the ~~several officers hereafter to be appointed~~ [Commissioners of the Continental Loan Offices in the respective States] to receive and Keep the monies arising from the Continental Taxes in the different States, and to pay the interest due from the United States, in the said States respectively: ~~to keep their office as contiguous as possible to the Treasury of the State in which they may respectively reside~~ And that they hold all monies collected within the several States on account of the Requisitions of Congress, subject only to the orders of Congress, or of the Board of Treasury.

That they shall make [agreeable to such mode as may be prescribed by the comptroller] weekly returns to the Board of Treasury of the money they may receive on account of the United States, and also of the certificates [which] ~~issued by them conformably to the acts of Congress~~ [they may issue] for the payment of the Interest on the Public Debt ~~agreeably to such mode as shall be prescribed by the Comptroller of the Treasury.~~ [in pursuance of the Acts of Congress].

That they form accurate estimates as often as called upon by the Board of Treasury, of the interest falling due monthly within their respective States, on Loan Office Certificates, and other liquidated securities of the United States. And that they keep accurate and distinct registers of the principal sums due, as well on the Liquidated, as Loan Office Debt.

That in all their Official transactions they govern themselves by the [Acts and] Resolves of Congress, or the orders of the Board of Treasury not repugnant thereto.

That they make no appropriation of monies by them received on account of the United States (except for the purpose of payment of Interest agreeably to the Resolves of Congress) without the express order of the Board of Treasury: and that they submit to the Comptroller a State of their accounts [quarterly] for examination and allowance.

That the said Officers shall not directly or indirectly be concerned in Trade, and that previously to entering on the duties of their Office, they shall [severally] enter into Bonds to the United States of America, with two or more Sureties ~~the Principals in the sum of and the sureties in the sum of respectively; and~~ further, they shall severally take and subscribe the Oath of Fidelity to the United States—and also an Oath for the due execution of their Offices respectively.—Certificates of which together with their several Bonds shall be transmitted to the Board of Treasury who shall cause the same to be recorded in the Comptroller's Office.

~~That they shall be allowed two per Cent on the Receipts and Payments of all Monies on Account of the United States, provided that not more than Fifteen hundred nor less than One thousand Dollars shall be allowed to any Officer for services, Office Rent, Stationery and all other incidental charges.~~

That in the payment of all monies they shall take Printed Duplicate Receipts, agreeably to such form as shall be transmitted to them by the Comptroller; one of which shall be forwarded [to the Board of Treasury] with their accounts in support of the payments made by them respectively.

That they shall also give Duplicate Receipts for all monies received by them in order that the several States may direct one of them to be forwarded to the Board of Treasury, who upon the receipt thereof, shall credit the State for the amount specified therein and charge the same to the Officer receiving it.

That it be recommended to the Legislatures of the respective States to direct their Treasurers to transmit to the Board of Treasury a monthly Abstract of all monies paid on account of the several States to the ~~different officers~~ [Commissioners of the Continental L. O.] distinguishing the dates and amounts of the respective payments; and the sums paid in ~~coin~~ [actual money] from those in Interest Certificates.

~~That on the Day of Congress will proceed to the choice of Thirteen Persons to Execute the above Duties, who shall be denominated in future, Deputy Treasurers.~~

That all the Acts and resolves of Congress respecting [the duties] of the Commissioners of the Loan Office in the respective States made previously to this date be, and they are hereby repealed, and ~~made void~~ [declared to be void from and after the first day of January next] excepting the [requisitions of the 27 & 28 of Apl 1784, the] Ordinance of the 20th May ~~1785~~. [and the requisition of the 27th of Sepr 1785.]

SAMUEL OSGOOD.
WALTER LIVINGSTON.[1]

The Comee [Mr. John Beatty, Mr. Edward Hand and Mr. James Tilton] to whom was referred the Letter of the 29th of Novr, 1783, from the Secretary at War, with its inclosures, submit the following report.

That it appears from a return of the Troops retained in Service as late as the 4th Jany, '84, that the Commission of Majr Beauman is dated on the 12th Sept, 1778, and by Genl Knox's letter of the 29th Octr, '83, it is to be presumed, Majr Perkins Commission bears the same date. Your Comee are therefore of opinion that whatever rank they might have been intitled to in 1777, they cannot claim promotion under the resolution of the 30th Septr which expressly recites, "who hold the same rank now, that they held in the year 1777."

Your Comee are further of opinion, that Capts Lieuts first and Second Lieuts have been and ought to be Considered as distinct

[1] According to indorsement this report was read August 29 and September 5 assigned for its consideration. The lined type shows the words struck out in this consideration and the words within brackets were added. The report is in the *Papers of the Continental Congress*, No. 139, folio 79. A broadside copy, on folio 87, follows the manuscript report and gives the changes as above, in the writing of Charles Thomson. It gives also the following paragraph, by Thomson, not noted on the manuscript:

"That they be respectively allowed for all services and duties which are or may be annexed to their offices by any acts or resolutions of Congress or directions of the board of treasury a sum not exceeding 1,500 nor less than 600 dollars per annum exclusive of office rent, stationery, and other necessary charges and the wages of such clerks as may be previously authorised by the board of treasury who shall judge of the services aforesaid."

Grades in the Artillery. That in this Corps, appointments from second to first Lieu^{ts} and from first to Capt Lieut^{s} were always looked upon as a promotion and announced as such by a New Commission.[1]

TUESDAY, AUGUST 30, 1785.[2]

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, South Carolina and Georgia; and from the State of Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.[3]

[1] This report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 27, folio 281. The indorsement states that it was "Ent^{d}—read. Aug. 29. 1785 Referred to The Sec^{y} at War to take order in giving Messrs. Beaumont and Perkins the information contained in this report." The report was read January 30, 1784, and not acted upon until August 29, 1785. The names were Sebastian Bauman and William Perkins.

On this day, as the indorsement states, was read a letter of July 26 from Alexander Parker accepting the appointment of surveyor. It is in No. 78, XVIII, folio 549.

[2] At this point the entries begin in the writing of Roger Alden.

[3] AUGUST 30: The following committees were appointed: Mr. [Rufus] King, Mr. [Jacob] Read and Mr. [James] McHenry, on a letter of August 29 from John Fitch "respecting his new invented boat." See *post*, August 31. Fitch's letter is in No. 78, IX, folio 543.

Mr. [Abiel] Foster, Mr. [Abraham] Baldwin, Mr. [John] Kean, Mr. [Charles] Pettit and Mr. [William Samuel] Johnson, as a committee on qualifications and credentials of Rhode Island delegates. This was a renewal of the committee of August 16.

Mr. [Rufus] King, Mr. [Pierse] Long and Mr. [John] Haring, on the memorial of the inhabitants of Long Island respecting money advanced to prisoners. This was a renewal of the committee of March 22. On August 31 this committee was discharged and the memorial referred to and filed with the Board of Treasury.

Also, on this day was read a memorial and narrative of Captain Pierre Ayotte, recounting his services to and sufferings for the United States in Canada. It was referred to the Secretary at War for report. Ayotte's letter, forwarding the memorial, is in No. 41, I, folio 97. See *post*, September 12.

Also, the committee of August 19 on Pinckney's motion respecting Comte de Grasse was discharged.

Committee Book No. 190.

WEDNESDAY, AUGUST 31, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Delaware, Maryland, South Carolina and Georgia; and from the State of Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

The Committee consisting of [Mr. Pierse Long, Mr. Joseph Gardner, and Mr. Samuel Holten] To whom was referred the papers of Bryan Bruin, Esqr late a Cap^n in the Virginia line, and Aid de Camp Maj^r General Sullivan, on the subject of his not being allowed any pay or depreciation for his Extra Services as Aid de Camp aforesaid, are of Opinion that said papers be refer'd to the Commissioner for settling the Army Accounts to report.[1]

The Board of Treasury to whom was Referred the Letter of Michael Hillegas, Treasurer of the United States, dated the 12th Instant, Beg leave to Report—

That the Resolve of Congress of the 18th Sept^r, 1782, relative to the Mode of destroying the Old Continental Currency in the Treasuries of the respective States, be and it is hereby Repealed.

That all Continental Currency in the said Treasuries (not exceeding the Quota of the several States as fixed by the Act of Congress of the 18th March, 1780) be forthwith transported to the Treasurer's Office of the United States, there to be Examined and Destroyed.

[The Continental loan officers in the several states previously giving a certificate of the number of dollars so sent on subject to the examination aforesaid][2]

AUGUST 27th, 1785.

[1] This report, in the writing of Pierse Long, is in the *Papers of the Continental Congress*, No. 19, I, folio 435. It is undated, but seems to have been read in Congress sometime in August, 1785, as the indorsement states that it was referred to the Paymaster General to report and that he reported in September. Committee Book No. 191 notes that a communication from the Commissioner of Army Accounts on the case of Bruin was delivered September 22 and transferred; this doubtless means transferred to the Paymaster General whose report along with that of the Commissioner was acted on February 3, 1786.

[2] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 139, folio 65. According to the indorsement it was read this day and passed February 2, 1786. The paragraph in brackets was added, apparently in Congress, prior to February 2, 1786.

The Board of Treasury to whom was Referred the Letter and Report of William Barber Commissioner of Accounts for the State of New York, on the Claim of Francis Cazeau of the Province of Canada, Beg leave to Report—

That they have maturely Considered the Report of the said Commissioner, and do not find the Claims of Francis Cazeau supported by any other Evidence than his own Deposition; although the Resolve of the 18th March, 1784, directs that Mr. Cazeau's Testimony under Oath should be admitted, *in support of such other Evidence as the circumstances of his Case required.*

That from the Character of the late General Arnold, with whom Mr. Cazeau's Agreement is said to have been verbally made, the time at which the Purchases of Supplies took place and the circumstances of their Capture, the Case of Mr. Cazeau in the Opinion of this Board require:

1st That he should give the strongest presumptive proofs, that such a verbal Agreement as he sets forth, existed betwix himself and General Arnold.

2d That all the Articles charged in the Account were bona fide purchased on Account and for the real Service of the United States.

3d That the prices at which they are charged do not exceed the prices which prevailed in Canada when the Purchase was made.

The Board beg leave to Observe, that to innovate on the Established System, and principles for the settlement of Accounts is, in their Opinion, pregnant with the most dangerous Consequences, and ought never to take place, but in extraordinary cases, where application cannot be made to the usual Officers, and where the want of the ordinary Voucher is supplied by the strongest presumptive Proof of the right of the Claimant. That Mr. Cazeau's Claim is not only destitute of such Proof, but in the Opinion of the Board, of such a Nature, as to render the most critical examination necessary. They are further of Opinion, that Congress having by their Resolve of the 18th March, 1784, directed the Superintendant of Finance to order the Accounts of the said Francis Cazeau to be Adjusted; and Order having been taken on the same, the reconsideration of these Accounts do not come under the Cognizance of the Commissioner of Accounts for the State of New York.

From these Considerations, added to the full conviction in the mind of this Board, that the Admission of Mr. Cazeau's Demand on

his mere Oath, will let in a Flood of unwarrantable Claims, which no Revenue would be Adequate to Discharge,

They submit to the Consideration of Congress the following resolve.[1]

AUGUST 29th, 1786.

THURSDAY, SEPTEMBER 1, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Delaware, Maryland, South Carolina and Georgia; and from the State of Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

On report of the Committee, consisting of Mr. [David] Howell, Mr. [David] Ramsay and Mr. [John] Habersham, to whom was referred a memorial from Edward Phelon, late a Captain in the service of the United States,

Resolved, That the board of Treasury take order for advancing to Edward Phelon, late a Captain in the army of the United States, and disabled, by several wounds, from procuring a livelihood for himself, the sum of one thousand dollars, for which sum he is to account, in case he shall hereafter take the benefit of the resolution of the seventh

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 207. According to indorsement it was read August 31, 1785, and the resolve submitted, passed February 2, 1786, where it is spread *verbatim* on the Journal.

On this day, according to indorsement, were read two letters of August 30, from the Secretary for Foreign Affairs, transmitting letters of June 17 from Thomas Jefferson and of June 18 from Benjamin Franklin and Thomas Jefferson. The letter of June 17 is in No. 87, I, folio 9, and was returned to the Secretary for Foreign Affairs. That of June 18 is in No. 86, folio 291. Jay's letters are in No. 80, I, folios 345 and 357, respectively.

Also, according to Committee Book No. 190, the committee of August 30 on the letter from John Fitch, was this day discharged and his letter ordered to be filed. See *post*, September 1.

On folio 49 of No. 287 is recorded, by Roger Alden, a list of the delegates in Congress for the month of August 1785, with check-marks against the names of the absentees. See *ante*, August 17.

day of June, 1785, in favor of Invalids, or of the resolution of the twenty second of March, 1783, granting commutation in lieu of half pay for life.

The order of the day being taken up, to elect two Commissioners to negotiate with the western Indians,

Ordered, That the election of said Commissioners be postponed until Monday next.[1]

OFFICE FOR FOREIGN AFFAIRS,
1st Septem.r, 1785.

SIR: On reading over the Letter of Mr Shaw in which he gives an Account of his Voyage in the Ship *Empress of China* to Canton; I observe some Paragraphs which in my Opinion merit the further Attention of Congress. They are the following:

"We came to an Anchor in the Streights of Sunda on the 18th July. It was no small Addition to our Happiness on this Occasion to meet there two Ships belonging to our good Allies the French. The Commodore Mons.r D'Ordelin, and his Officers welcomed us in the most affectionate manner, and as his own Ship was immediately bound to Canton, gave us an Invitation to go in Company with him, This friendly offer we most chearfully accepted, and the Commodore furnished us with his Signals by Day and Night, and added such Instructions for our Passage through the Chinese Seas as would have been exceedingly beneficial, had any unfortunate Accident occasioned our Separation."

"On our Arrival at the Island of Macao, the french consul for China, Mons.r Vieillard, with some other Gentlemen of his Nation came on Board to congratulate and welcome us to that part of the World, and kindly undertook the Introduction of the Americans to the Portugese Governor."

"Three Days afterwards we finished our outward bound Voyage." "When the French sent their Officers to congratulate us, they added to the Obligations we were already under to them, by furnishing Men, Boats and Anchors, to assist us in coming to safe and con-

[1] On this day, according to Committee Book No. 190, the "motion of Mr. [James] McHenry for raising a revenue to the U. S. from the Post Office" was referred to Mr. [James] McHenry, Mr. [Jacob] Read and Mr. [Charles] Pettit, who reported September 26.

Also the papers of John Fitch were ordered to be returned to him.

venient Moorings. Nor did their good Offices stop here—they furnished us with part of their own Bank Sall, and insisted further that until we were Settled, we should take up our Quarters with them at Canton."

"Notwithstanding the Treatment we received from all Parties was perfectly civil and respectful, yet it was with peculiar Satisfaction, that we experienced on every Occasion from our good Allies the French, the most flattering and substantial Proofs of their Friendship—if said they, we have in any Instance been serviceable to you we are happy—and we desire nothing more ardently than further Opportunities to convince you of our Affection."

As the Purpose for which that Letter was committed did not probably extend to these Paragraphs I take the Liberty of suggesting whether it would not be proper to send a Copy of that Letter to Mr Jefferson and instruct him to express to the french Minister the Sense which Congress entertain of the friendly Offices and Civilities shewn by the french Officers in question to that american Ship; to request the Favor of him to signify the same to them and to assure his most Christian Majesty that the People of the United States will on their part be happy in Opportunities of acknowledging these pleasing Acts of Kindness, and of cultivating and continuing the same spirit of Friendship, which has hitherto so happily subsisted between the two Nations.

I have the Honor to be, etc.

JOHN JAY.[1]

His Excellency
The PRESIDENT OF CONGRESS.

FRIDAY, SEPTEMBER 2, 1785.

Five states assembled; namely, New York, Delaware, Maryland, South Carolina and Georgia; and from the State of Massachusetts, Mr. [Rufus] King; from Rhode Island, Mr. [David] Howell; from Connecticut, Mr. [William Samuel] Johnson; from New Jersey, Mr. [Lambert] Cad-

[1] This letter is in the *Papers of the Continental Congress*, No. 80, I, folio 361. According to indorsement it was read this day and referred back to the Secretary for Foreign Affairs to take order. Jay's letter and Congress' order thereon are entered in Resolve Book No. 123.

wallader; from Pennsylvania, Mr. [Charles] Pettit, and from North Carolina, Mr. [William] Cumming.

The Secretary for Foreign Affairs transmitted to Congress the following note and Letter from Mr. De Marbois, Chargé des Affaires of France:

NOTE.

NEW YORK, *August 30th 1785.*

The Underwritten Chargé des affaires of France has the honor to inform Congress, that His Majesty, by naming him for the intendancy of the Colony of St. Domingo, has put a period to the functions which he has had the honor of performing in the United States in the absence of the Chevalier de La Luzerne. The private affairs of this Minister not yet permitting him to come and resume his functions with Congress; and His Majesty desirous that there should be no interruption in the correspondence between him and Congress, has appointed Mr. Otto to fulfil the duties of his Chargé des affaires here, until the return of his Minister plenipotentiary. Mr. Otto has the advantage of having passed many years on this Continent.

The perfect knowledge which he has of the affairs which have been transacted, and the particular affection of the King for the United States, leave no room to doubt but that he will discharge his duty to the entire satisfaction of his Allies. The Underwritten, honored with the testimonies of that of the King, his Master, will esteem himself happy, if during a residence of more than six years, and in difficult times, his conduct has shown the respect which he entertains for Congress, and how advantageous he considers the alliance to be to both Nations.

DE MARBOIS.

NEW YORK, *August 30th 1785.*

SIR: I have the honor of addressing to you the Note wherein I announce to Congress the nomination of Mr. Otto to the post of Chargé des affaires for the King with the United States. He will deliver you himself that which the Count de Vergennes has written to you on this occasion. I am well assured, Sir, that during the course of his functions he will spare no pains to deserve your confidence; and from my long knowledge of him, I do not hesitate to assure you that he will deserve it. It remains for me, Sir, to thank you for the support I have received from you at different times, and to request of you to preserve me a place in your remembrance, and to assure you of the respect and distinguished regard with which I have the honor, &c.

DE MARBOIS.

The above were referred to the Secretary for Foreign Affairs to report.

In consequence of this reference, the Secretary reported the following drafts of Letters.

OFFICE FOR FOREIGN AFFAIRS.

SIR: The Note which you did me the honour to write on the 30th of last month announcing your appointment to the Intendancy of St. Domingo, and that of the Sr Otto to succeed you here, I immediately laid before Congress.

In obedience to their orders, I have the honor to assure [you] that this distinguished mark of your royal Master's approbation and favour gives them pleasure, and they wish you happiness and prosperity in the enjoyment of it. The manner in which you have filled the place of his Majesty's Chargé des Affaires here has

given them great satisfaction, and I am ordered to mention this to Count de Vergennes.

The great and repeated proofs which the United States have received of His Majesty's affection, and the zeal and abilities with which his Minister has, on various occasions, executed his friendly intentions towards them, leave no room to doubt, but that such men only will be charged with his affairs in this Country as from Inclination as well as duty will be disposed to cherish the Union and cement the Interests and friendship of the two Nations.

In this light they consider the Sr Otto, and he may be assured that their respect and affection for his Sovereign, as well as the good opinion they entertain of him, will always induce them to render his residence as agreeable to himself as they are persuaded it will be to them.

I have the honour to be, &c. &c.

MR. DE MARBOIS,

The Chargé des Affaires of His Most Christian Majesty.

OFFICE FOR FOREIGN AFFAIRS.

SIR: The Letter herewith enclosed is in answer to the Note which accompanied the Letter you did me the honor to write on the 3th instant.

Mr. Otto has delivered to me the Letter from Count de Vergennes, of which you make mention; and I shall take the earliest opportunity of transmitting an answer to it.

The Character you give of Mr. Otto corresponds with what I should have supposed it to be, from that of the Minister; and he may rely on my disposition to render his residence agreeable.

It has been, and shall continue to be my desire, so to discharge the duties of my Office as to give perfect satisfaction to the Ministers and Subjects of your magnanimous King; and I am happy to find that I have succeeded with respect to you.

We have been labourers in the same great work, and I flatter myself that your removal from America will not diminish your affection for it. It will always give me pleasure to hear of your health and happiness, and that of your amiable Lady. Permit me to offer to you and to her my best wishes for your safe arrival at the place of your destination, and any friendly services that may be in my power to render.

With great respect and consideration, I have the honour to be, &c. (Signed) ——— ———

MR. DE MARBOIS.

All which is submitted to the wisdom of Congress.

JOHN JAY.

Ordered, That the report be referred to the Secretary for Foreign Affairs to take order.[1]

SATURDAY, SEPTEMBER 3, 1785.

Two states assembled; namely, Massachusetts and South Carolina; and from the State of Rhode Island, Mr. [David] Howell; from Connecticut, Mr. [William Samuel] Johnson; from Pennsylvania, Mr. [Joseph] Gardner; from Maryland, Mr. [James] McHenry, and from North Carolina, Mr. [William] Cumming.

[1] This order, and the Secretary's report, were entered, by Benjamin Bankson, only in the manuscript Secret Journal, Foreign Affairs, No. 5, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III. Jay's letter transmitting the above note from Marbois is dated September 2 and is in No. 80, I, folio 365. According to indorsement, it was read September 5 and referred back to the Secretary for Foreign Affairs to report. He reported September 7, the drafts of two letters to Marbois as above. This report is in No. 81, I, folio 369, and is indorsed as read September 12 and referred back to the Secretary for Foreign Affairs to take order.

[1] MONDAY, SEPTEMBER 5, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Delaware, Maryland, South Carolina and Georgia; and from the State of Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.[2]

OFFICE FOR FOREIGN AFFAIRS,
2d Septem^r, 1785.

SIR: The English Packet which arrived the Day before Yesterday brought me no Letters from Mr Adams; which Impute to its being a Mode of Conveyance to which nothing very important can prudently be trusted.

Some private Intelligence by that Vessel leads me to consider the Surrender of our Posts as being more problematical than it has lately appeared to be.

I hear that the Circumstance of Congress having ordered some Troops to be raised, excited the Attention of the british Ministry,

[1] At this point Thomson resumes recording the Journal.

[2] On this day, as the indorsement states, was read a letter of August 29 from William Greene, Governor of Rhode Island, forwarding the laws of the state and the resolve not to increase its representation in Congress. It is in the *Papers of the Continental Congress*, No. 64, folio 562.

Also, a letter of August 22 from James Bowdoin, Governor of Massachusetts, sending copies of the laws of that state. It is in No 65, II, folio 297.

Also, a letter of July 20 from Richard Caswell, Governor of North Carolina, acknowledging the receipt of acts from Congress. It is in No. 72, folio 201.

Also, a letter of July 23 from the same acknowledging the receipt of Acts of Congress. It is in No. 72, folio 205.

Also, a letter of August 4 from the same, acknowledging the receipt of an Act of Congress. It is in No. 72, folio 209.

Also, a letter of September 2 from Edward Dowse, accepting the appointment of surveyor, was read. It is in No. 78, VIII, folio 143.

Also, a memorial of Pierre Du Calvet which was transmitted in a letter of September 3 from the Secretary for Foreign Affairs. Jay's letter was read this day. It is in No. 80, I, folio 381. The memorial was referred to the Board of Treasury to liquidate the claims and report. This report was rendered September 19. Calvet's memorial is in No. 78, VIII, folio 419. See *post*, September 15.

Also a letter of September 2 from the Board of Treasury announcing the failure of the firm of de la Lande & Finje. It is in No. 140, 2, folio 55.

and induced them to order two Regiments to embark for Quebec—a Packet was preparing to sail for that Place on the first Wednesday in last Month with Despatches, which was perhaps it was not thought expedient to convey there through our Country.

The Loyalists at the different Posts are computed to amount to between six and seven thousand and I am assured that they are provided with Arms and Rations by Government.

An Attempt has been made to prevail on the Ministry so to alter the Government of Quebec, as to render it more consonant to that of England; and one Objection made to that Change was, that *then* it would be more difficult to collect and direct the Force of the Province than it now is under its present Government.

What Degree of Credit is due to this Intelligence is not in my Power to ascertain. It nevertheless comports with certain Reports which have lately reached us from the Frontiers, Viz.t that Encouragement was given by the Government of Canada to our People to settle Lands in the vicinity of the Posts; and that a considerable Number of Persons from among us had been seduced by their Offers to remove thither.

I think it my Duty to lay these Matters before Congress and at the same Time to observe that in my Opinion they should for the present be kept secret.

Permit me Sir, also to hint, that there may be Occasions when it would be for the Public Interest to subject the Post Office to the Orders of your principal executive Officers.

I have the Honor to be etc.

JOHN JAY.[1]

His Excellency,
The PRESIDENT OF CONGRESS.

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[1] This letter is in the *Papers of the Continental Congress*, No. 80, I, folio 373. According to indorsement it was read this day and "Ordered to be kept secret."

Also, on this day, according to indorsement, was read a letter from the Secretary for Foreign Affairs, dated September 2, enclosing letters from Vergennes and Marbois relative to Mr. Otto. See *ante*, September 2.

Also, another letter dated September 2, from the Secretary for Foreign Affairs, on a memorial from Sieur Barré and a letter from Marquis de Lafayette, was read. It is indorsed: "On the papers enclosed the Secy. of Congress having reported, 'That the letter of 29 June from Barré and the papers accompanying it be returned to the Secretary for the department of foreign Affairs and that he be informed that though Congress are touched with the account of the petitioner's sufferings they cannot with propriety grant his request.' Octr 6. 1785 Ordered that the above

TUESDAY, SEPTEMBER 6, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, South Carolina and Georgia; and from the State of Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader, from Delaware, Mr. [Gunning] Bedford, and from North Carolina, Mr. [William] Cumming.

On motion of Mr. [Rufus] King, seconded by Mr. [James] McHenry,

Ordered, That the Secretary at War, as soon as may be, cause to be made and transmitted to Congress, an exact return of all cannon, with their sizes and appendages; small arms, with their accoutrements; swords, pistols, waggons, tents, ammunition, camp equipage and public stores, or property of every description, the custody of which is charged on the department of war; distinguishing the quantity or number, quality and kind of each, and the several places of their deposits: and that he transmit a like return on the first Monday in January, and the first Monday in July, annually.[1]

Motion of Mr. [James] McHenry, That the Board of Treasury take such steps as they think proper for the better securing the monies borrowed or which may be borrowed in Holland.

report with the letter and papers be referred to the Secy for foreign affairs to take Order." Jay's letter is in No. 80, I, folio 377. Barré's is in No. 59, IV, folio 399.

On this day, according to Committee Book No. 190, the report on the memorial of Du Calvet was filed, the papers committed to the Treasury and the Board of Treasury directed to liquidate the claims and report. This it did September 17 and the report was read September 19. The first report was made April 21, 1784. It is in No. 19, II, folio 121.

[1] This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 119.

On this day, according to the indorsement, was read a letter of September 3, from the Board of Treasury, giving further particulars of the failure of de la Lande & Finje. It is in the *Papers of the Continental Congress*, No. 140, II, folio 63.

Ordered, That the above Motion be referred to the Board of Treasury to take order.[1]

[Motion of Mr Charles Pinckney]

Whereas by the article of the Confederation the U. S. in Congress assembled are authorised to establish Courts for the punishment of piracies and felonies committed on the high Seas

And Whereas it has been the policy of all civilized nations to punish crimes so dangerous to the welfare and destructive to the intercourse and Confidence of Society ~~with death~~ in an exemplary manner. And it being consistent with that uniform system of legislation which should pervade the Confederacy in all subjects committed to the care and administration of Congress That similar crimes should be punished in a similar manner, And as the Ordinance of April, 1781, respecting the punishment of piracies and felonies has a different operation in some of the States—therefore, *Resolved* That the Secretary of the U. S. for the department of foreign affairs, be directed to report the draught of an Ordinance for instituting a court for the ~~purpose of punishing~~ trial and punishment of piracies and felonies committed on the high seas in the same manner in all the states.[2]

[Report of the Committee on Qualifications on the Credentials of the Delegates for Rhode Island]

The Committee of Qualifications [Mr. Abiel Foster, Mr. Abraham Baldwin, Mr. John Kean, Mr. Charles Pettit and Mr. William Samuel Johnson] Report—

[1] This motion and order is entered in Resolve Book No. 123 by Benjamin Bankson. It is also entered by Thomson in Committee Book No. 190.

In No. 36, III, folio 129, is an undated motion in the handwriting of David Howell:

"That the Secretary at War report to Congress an estimate of the expences of the Invalid establishment under the resolutions of the 7 day of June last." This is indorsed by Roger Alden: "Sept 1785." It probably was made immediately after the motion of Rufus King, above.

Also, according to Committee Book No. 190, William Barton's "letters and thoughts on a mint," dated August 22, were this day referred to the Board of Treasury. A copy of Barton's plan, a printed folder by Charles Cist's press, 4 pp. folio, headed "Outlines of a plan," is among the Continental Congress broadsides in the Library of Congress.

[2] This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 36, III, folio 115. The indorsement gives it this date and states that it was referred to the Secretary for Foreign Affairs to report an ordinance. See *post*, October 3.

That the Confederation was ratified in March, 1781.

That by a Law of the State of Rhode Island and Providence Plantations, Delegates are to be annually elected on the first Wednesday in May.

That Mr Ellery was elected in May, 1781, a delegate to represent the State of Rhode Island and Providence plantations for one year and took his seat in Congress November 19th 1781—And held his seat until the 7th June, 1782.

That Mr Howell was elected in May, 1782, to represent the sd State for one year and took his seat the 7th June, 1782, and continued in Congress until Jany 5th, 1783.

That Mr Howell was a second time elected in May, 1783, took his seat in Congress July 23rd 1783, and held his seat until June 3rd 1784.

That Mr Ellery was a second time elected in May, 1783, took his seat in Congress June 30th, 1783 held his seat therein until the adjournment of Congress June 4th, 1784. That he was appointed one of the Committee of the States and took his Seat therein 6th June, 1784. That the Committee of the States did adjourn on that day and did not meet again until the 26th of June & that it does not appear that Mr Ellery did again take his seat in the Committee of the States.

That the right of Mr Howell and Mr Ellery to sit in Congress from May to June, 1784, was disputed but no question was determined affirmitavely for, nor against them.

That the usage of Congress has been to permit the delegates of the State of Rhode Island to sit in Congress for a Year not having reference to the time of election, which seems to be founded on an act of the Legislature of that State passed 22nd August, 1777. By which it is Resolved "That the delegates appointed or who may be appointed to represent this State in Congress, be, and they or either of them are hereby empowered to represent said State in Congress until they or either of them shall have due notice of their re-election, or until the delegates who may be appointed in their room shall take their seats in Congress, the act directing the election of the said delegates for one year to the contrary notwithstanding."

That Congress did by their Resolution of 23rd March, 1784, recommend to the States to comply with the Confederation by electing their delegates to commence their seats the first Monday in Novemr of each year.

That Mr Howell and Mr Ellery were a third time elected in May, 1784, to represent the sd State for one year. That by the Credentials

of the s^d delegates it appears that the Legislature of the s^d State did in the Month of June pass an act declaring the said delegates should take their seats in Congress the first Monday Novem^r 1784.

That the said delegates did take their seats the 29th and 30th Nov^r, 1784, in the present Congress.

Wherefore your Committee are of opinion that the Delegates of Rhode Island and Providence Plantations have a right to sit in Congress until the first Monday in Novem^r next.[1]

WEDNESDAY, SEPTEMBER 7, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Delaware, Maryland, South Carolina and Georgia; and from the State of Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [Lambert] Cadwallader; from Virginia, Mr. [William] Grayson, and from North Carolina, Mr. [William] Cumming.

On the report of a committee, consisting of Mr. [William] Grayson, Mr. [James] McHenry and Mr. [David] Howell, to whom was referred a Memorial of William Barton, late a colonel in the Continental Army,

Resolved, That the board of treasury take order for the payment of fifteen hundred dollars to the said William Barton, in consideration of his services to the United States, and the wound he hath received in an Action during the late war.

On motion of Mr. [William] Houstoun, seconded by Mr. [William] Grayson,

Resolved, That the postmaster general be, and he is hereby authorized and ~~directed~~ [instructed, under the direction of the board of treasury] to enter into contracts under good and sufficient security, ~~and penalties with Abraham Ogden, Talmage Hall and Nathaniel Twining~~ for the conveyance of the different mails by the stage carriages, from Portsmouth,

[1] This report, in the writing of John Kean, is in the *Papers of the Continental Congress*, No. 23, folio 265. The indorsement states that it was read on this day and Thursday the 8th assigned for consideration. Committee Book No. 191 states the report was filed.

in the State of New Hampshire, to the town of Savannah, in the State of Georgia ~~by the way of Charleston~~ and from the city of New York, to the city of Albany in the State of New York, ~~agreeable to the terms reported~~ according to the accustomed route.[1]

On motion of Mr. [Charles] Pinckney,

Resolved, That, whenever it shall appear to the Secretary of the United States of America for the department of foreign affairs that their safety ~~and~~ or interest require the inspection of any letters ~~then lying~~ in any of the post Offices, he be authorized and empowered to inspect the said letters, ~~and report the same immediately to Congress~~ excepting from the operation of this resolution, [which is to continue for the term of twelve months] all letters franked by or addressed to members of Congress. ~~and the officers of the United States.~~[2]

[1] This motion, in the writing of William Houstoun, except the words in brackets which are in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress,* No. 36, III, folio 127. The words lined out so appear in the motion and not in the Journal. In No. 36, IV, folios 49, 51 and 51[1] are undated motions in the writing of William Grayson as follows: "Resolved that the Post Master Genl. be authorized and directed to make contracts with the ~~Masters or~~ owners of Stage Coaches on the Post roads through the U. S. for the transportation of the Mail whenever the same can be effected ~~at the rate of~~ on terms not exceeding dollars pr. mile annually for three mails a week." And "*Resolved,* That the Post Master Genl. be authorized and directed to contract with Nathaniel Twining for the transportation of the Mail by Stage from Phila[d] to Petersburgh and from Petersburgh to Savannah on the terms proposed by the said Twining the day of and under the conditions stated to him by the s[d] Post Master General." An estimate of the expense of mail transportation, on folio 51, seems to have had bearing upon the above proceedings.

[2] This motion, in the writing of Charles Pinckney, except the part in brackets which is in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress,* No. 25, II, folio 445. The indorsement by Charles Thomson says it was "renewed again 23 Oct., 1786, without limitation of time." This motion was entered, by Thomson, only in the manuscript Secret (Domestic) Journal, No. 3.

On this day, as the indorsement states, was read a memorial of William Calbrath, praying payment for rum taken from him at Fort Schuyler in 1784, and

THURSDAY, SEPTEMBER 8, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, South Carolina and Georgia; and from the State of New York, Mr. [Melancton] Smith; from New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

Congress resumed the Consideration of the report on supplies for the year 1785, (see 18 July.)

A motion was made by the delegates for South Carolina, in the words following:

Whereas, in the present requisition, the States are called upon to make actual payment of three quarters of the remaining moiety of the requisition of October, 1782, for eight millions of dollars: and whereas it appears by the accounts of the treasury, that the State of South Carolina has considerably overpaid the whole of her quota of the said requisition, and Congress, by their resolution of the 27th of April, 1784, declared, that those states who have paid their whole quota of any requisition, should not be called on anew till all the other states shall in like manner have paid up their quotas; therefore,

Resolved, That the words and figures "South Carolina 192,366," be struck out, and that the three millions proposed to be called for, be exclusively quotaed on the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and Georgia.[1]

on September 9 referred to the Board of Treasury to report. The memorial is in No. 41, II, folio 209. See *post*, November 30.

Also on this day, according to indorsement, the drafts proposed by the Secretary for Foreign Affairs, for letters to Marbois, were referred back to said Secretary to take order. See *ante*, September 2.

[1] This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 36, III, folio 149.

A motion was made by Mr. [David] Howell, seconded by Mr. [Melancton] Smith, to postpone that Motion, in order to take up the following proviso, to be inserted immediately after the quotas of the States, viz. Provided That any State which shall have paid more than a moiety of her original quota on the requisition for eight million dollars, shall have credit for such payments on the aforesaid quotas.[1]

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Charles] Pinckney,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Holten,	ay	ay
King,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Smith,	ay	*
New Jersey,		
Mr. Cadwallader,	ay	*
Pennsylvania,		
Mr. Gardner,	ay	ay
Pettit,	ay	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	ay	div.
Hindman,	no	
North Carolina,		
Mr. Cumming,	no	*
South Carolina,		
Mr. Read,	no	no
Bull,	no	
Pinckney,	no	
Kean,	no	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	

So it was resolved in the affirmative.

After debating the proviso, it was withdrawn.[2]

[1] This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, III, folio 151. The vote is on folio 150. The vote on this proviso was first entered by Thomson on the verso of Pinckney's motion above.

[2] On this day, according to the indorsement, was read a letter from the Board of Treasury, dated September 7, relating to the failure of de la Lande & Finje and the securing of their property in America. It was referred to Mr. [Thomas] McKean, Mr. [Charles] Pettit and Mr. [John] Vining. Committee Book No. 190 notes that their report was rendered September 12. Congress acted thereon September 13.

OFFICE OF SECRETARY OF CONGRESS,
Sept. 8, 1785.

The letter of the 2d. from the Secretary to the United States of America for the department of foreign affairs states,

That Mr. de Marbois has requested his "Opinion whether french Subjects can purchase and hold real Estate in the United States" and that this being an important question, he should forbear to express any other opinion to him respecting it than such as Congress may be pleased to order him to convey.

The Secretary of Congress reports,

That it does not appear necessary or proper for Congress to give any opinion on this subject. The treaty between the United States of America and his Most Christian Majesty is public, and as far as it regards the rights of Individuals the Courts of Law must take notice of it & be governed by it in their decisions. But an Opinion given of the sense or meaning of that Treaty will not have the same validity. If doubts arise touching the force and meaning of the treaty, and an explanation be necessary, that explanation can only be given by a joint act of the high Contracting parties.

The Secretary of Congress therefore reports as his Opinion,

Agreed to Sept. 8th, 1785. S. HOLTEN. That the letter of 25 Aug. from Mr. De Marbois, which came inclosed in the above letter, be returned to the Secy. for foreign Affairs.[1]

OFFICE OF SECY. OF CONGRESS,
Sept. 8, 1785.

On a petition of four chiefs of the Mohecaunie tribe of Indians at Stockbridge in the State of Massachusetts,

The Secretary of Congress reports as his Opinion,

That it be referred to the Secretary at War, with an instruction to refer the petitioners to the State of Massachusetts to which they belong and to dismiss them with some presents, covering, according to the indian custom, the bones of those who have been killed in the war with shrouds, blankets or cloath-

Agreed to Sept. 8, 1785. S. HOLTEN.

[1] This report is in the *Papers of the Continental Congress*, No. 180, *Reports of the Secretary of Congress*, and was entered by Thomson, the marginal note being signed by Holten, as indicated. It is the first report made under the resolution of August 29, 1785, transferring the duties of the Committee of the Week to the Secretary of Congress.

ing to be delivered to the widows or families of the deceased; the amount of the whole not to exceed 100 dollars.[1]

OFFICE OF SECRETARY OF CONGRESS,
Sept. 8, 1785.

On the petition of Martin Lentz, John Briger and Jacob Brugear stating that they, as Canadian refugees, have received rations for the month of Sept., 1785, and praying to be allowed for rations from 30 June, 1783, to the beginning of the present month,

The Secretary of Congress reports as his Opinion,

That the petition be referred to the Secretary at War to enquire whether the petitioners were inhabitants of Canada at the commencement of the War or whether they are actually Canadian refugees and entitled to the benefit of the Acts of 11 July, 1785, and 9 Aug. 1783, and report.[2]

Agreed to 8 Sept. 1785. S. HOLTEN.

FRIDAY, SEPTEMBER 9, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, South Carolina and Georgia; and from the State of New York, Mr. [Melancton] Smith; from New Jersey, Mr. [Lambert] Cadwallader; from Delaware, Mr. [Gunning] Bedford, and from North Carolina, Mr. [William] Cumming.

On the report of a committee, consisting of Mr. [Rufus] King, Mr. [David] Howell and Mr. [Hugh] Williamson, to whom was referred a motion for the regulation of the settlement of accounts with the United States, in certain cases.

[1] This report is in the *Papers of the Continental Congress*, No. 180, *Reports of the Secretary of Congress*. It is entered by Thomson, and signed in the margin by Holten, as indicated. According to the entry in Committee Book No. 190, the Secretary at War made a report September 12.

[2] This report, in the writing of Thomson, is in the *Papers of the Continental Congress*, No. 180, *Reports of the Secretary of Congress*. According to the entry in Committee Book No. 190, the Secretary at War delivered a report September 12.

Also, according to indorsement, the report of a committee, delivered April 1, 1784, on a petition from Palmer Cady, was this day filed. The report is in No. 19, I, folio 489.

Resolved, That where any person or company shall have acted in two or more of the great departments, and have received money of the United States, and made disbursements or purchases for different departments, the said accounts of the receipts and expenditures or purchases shall be settled by one of the commissioners only, and by such one as the board of treasury shall point out: and in such settlement the commissioners shall keep the accounts distinct and separate, but in the adjustment of depreciation conformably to the resolves of Congress, shall consider the advances and expenditures or purchases, as if the person or company acting in two or more departments acted only in One.[1]

MONDAY, SEPTEMBER 12, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, and Georgia; and from the State of New Jersey, Mr. [Lambert] Cadwallader, and from North Carolina, Mr. [William] Cumming.

On motion of Mr. [Charles] Pinckney, seconded by Mr. [Jacob] Read,

Whereas the Commissioners appointed under the act of the 15 of March, for holding treaties with the Southern Indians, are authorised to draw on any of the States of

[1] This report, in the writing of Rufus King, is in the *Papers of the Continental Congress,* No. 26, folio 565.

On this day, as the indorsement states, was read a letter of September 2 from William Paca, Governor of Maryland, relative to the receipt of acts of Congress. It is in No. 70, folio 535.

SEPTEMBER 9: "Message from the Oneidas requesting the appointmt of a Comr to attend to their Affairs. News from the Oneidas respects the Cughnawagas": Referred to the Secretary at War to report, which he did September 12.

"Meml Willm Colbreath payment for rum taken from him by Order Comrs": Referred to the Board of Treasury to report, which it did November 30.

"Dr. Arnold's letter 5 feby, 1781. Settlement of his Accounts". Referred to Commissioner for settling hospital accounts, to report.

Committee Book No. 190.

Virginia, North Carolina, South Carolina and Georgia, for a sum not exceeding ~~9000~~ thirteen thousand dollars, for the purpose of holding the said treaties: And whereas the executives of some of the said States may not be empowered during the recess of their legislatures to furnish the sums which may be respectively required of them, by the Commissioners, in time for holding the said treaties; and it being expedient for the tranquillity of the southern frontiers, that they should be concluded with all convenient despatch; therefore,

Resolved, That the Commissioners for holding treaties with the southern Indians be, and they are hereby authorised to draw on the board of treasury of the United States, for such balance of the said sum of ~~9000~~ thirteen thousand dollars, as it may not be in the power of the Executives of the said states to furnish for the purposes aforesaid.[1]

[1] This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 36, III, folio 153. The figures lined out are so in the motion but not in the Journal.

On this day, as the indorsement states, was read a letter of September 3 from Matthew Griswold, Governor of Connecticut, reporting that he cannot furnish Congress with the old laws of the State. It is in No. 66, II, folio 304.

On this day, according to Committee Book No. 191, the committee of September 8, on the letter from the Board of Treasury respecting de la Lande & Finje, made a report, which was acted on September 13.

Also was read the letter from the Board of Treasury, dated September 9, relating to the attachment levied by the United States on the property of de la Lande & Finje. It is in the *Papers of the Continental Congress*, No. 140, II, folio 71.

Also was read, according to indorsement, the report from the Secretary at War, dated September 12, on the message from the Oneida Indians. It is in No. 151, folio 103. See *post*, September 14.

Also, according to indorsement, the Secretary for Foreign Affairs' drafts of letters to Marbois, were this day referred back to said Secretary to take order. See *ante*, September 2.

Also, according to indorsement, was read the report of Paymaster General John Pierce, dated September 8, on the petition of Duncan Campbell. It is in the *Papers of the Continental Congress*, No. 62, folio 91. Roger Alden later indorsed it: "See mem. Sep^{t} 1788 and Rep^{t} b^{d} treasury Sep^{t} 16th 1788."

Also was read a letter, dated September 8, from Richard Soderstrom requesting copies of a representation sent to Congress by Sears & Smith. It is in No. 78, XXI, folio 435. See *post*, October 4.

WAR OFFICE,
September 8th, 1785.

The Secretary of the United States for the department of War to whom was referred the Memorial and Narration of Pierre Ayotte reports—

That it appears from the evidence of a number of American Officers particularly Mr Antill, late a Lieutenant Colonel in General Hazen's regiment, that in February, 1776, he appointed Pierre Ayotte a Captain and furnished him with a sum of Money; that he did actually engage a Company and even a surpluss, that his Company was stationed at Point Levi opposite to Quebec in the beginning of May, 1776, at the time the American Army were obliged to raise the Seige of that City; that upon the retreat of the American Army Captain Ayottes company at Point Levi dispersed and went to their Homes, excepting four privates who joined the American Army at Sorrell River. That Captain Ayotte went to his own Home, where he closely concealed himself for sometime, but was at length apprehended and conveyed to the Goal in the City of Quebec; that it is rather uncertain how long he remained in confinement, but it is probable that his own statements upon this point may be right, to wit, until January, 1777; after he was liberated he resided with his family until the termination of the War, under some restrictions, probably on oath of fidelity to the King of Great Britain.

That it appears from the evidence of Lieut. Colonel Antill and Major Platt, that Captain Ayotte was extremely zealous in the American cause until the retreat from Quebec. That he frequently obtained provisions from the Inhabitants for the American Troops when in great distress; that by his activity & zeal, intrenching implements were obtained from the Inhabitants to form the Batteries at Point Levi; that he was particularly serviceable in assisting Major Dubois, to quell a mutiny or rising of the Canadians and that he was employed by General Wooster to raise a number of Beacons below Quebec, in order to give the signal for the approach of the British ships, and that although the Chain was not completed before the arrival of the Vessels, yet he must have incurred some expence in the Business for which it is probable he was not compensated. He says that since the Peace numbers from whom he procured provisions and intrenching Tools have applied to him for payment and have threatened to compel him to make compensation; that the apprehension of this event must oblige him to leave Canada, lest he should be thrown into prison.

The assertions of Captain Ayotte are strongly corroborated by the information of Colonel Antill and Major Platt that he acted with great vigor in obtaining the Articles before mentioned. From all these circumstances your Secretary is of opinion that it would be proper considering his expences services and sufferings, that he should be allowed the pay and subsistence of a Captain for one Year commencing from January 1st, 1776, and that one hundred and fifty dollars should be advanced to him in full consideration of all extra expences, and as it is probable that he cannot longer reside in Canada without danger of prosecution, in consequence of his conduct in the service of America, that he be allowed rations in the same manner as other Canadians until the 1st June next, and that the same quantity of Land be allowed to him, as to the heads of other Canadian Families. Upon these reasons the following resolutions are submitted:

Resolved, That the Commissioner of Army Accounts in liquidating the claims of Pierre Ayotte, allow him the pay and subsistence of a Captain for the year 1776, deducting three hundred dollars advanced him by the resolve of the 24th February last.

That the further sum of one hundred and fifty dollars be allowed him in full of all expences, incurred by him in the service of the public.

That he be allowed rations until the first of June next and that the same quantity of Lands be assigned to him, as may be assigned to the heads of other Canadian Families.

H. Knox.[1]

War Office,
September 10th 1785.

The Secretary of the United States for the department of War to whom was referred the Memorial of James Stewart, the petition of Hubert Dubois and the petition of Martin Lintz, John Briger and Jacob Brugear Reports—

That Captain James Stewart was an Inhabitant of Canada at the commencement of the late War and is entitled to the provision made by Congress for the Canadians refugees on the 11th July last.

That Hubert Dubois was an Inhabitant of Canada and lately came from thence into the State of New York, but that it does not appear

[1] This report is in the *Papers of the Continental Congress,* No. 151, folio 91. It is indorsed as read this day and passed September 14.

he has performed any services, for which he can claim compensation from the United States.

That Martin Lintz and John Briger are Germans by their own acknowledgement, that Martin Lintz Originally enlisted in Pensylvania and John Briger in a corps commanded by Captain Schott, and transferred from thence to Hazen's regiment agreeably to the Act of Congress of the 3rd October, 1780, these Men cannot therefore have any just claims as Canadian refugees.

That Jacob Brugear was a soldier in Hazen's regt. & enlisted in Canada, is entitled to provisions under the resolution of the 11th July last.

The pretensions of Captn Stewart and Jacob Brugear to provision being founded in justice, they have received the necessary authorities from this Office to draw their rations henceforward either at West Point or Albany: they yet claim a settlement of the arrears of subsistence which they suppose are due to them for retained rations under the Act of Congress of the 9th August, 1783, On which your Secretary begs leave to observe, that if a retrospect be given to such of the Canadian refugees as have been absent from West Point and Albany & have not drawn their rations in kind in pursuance thereof, great abuses will be committed on the public which no measures can easily remedy; that the rations should therefore be drawn personally at the usual places of issue, within the month, that such rations shall become due.

On this statement of facts, your Secretary submits the following resolution:

Resolved, That the petitions of Hubert Dubois, Martin Lintz and John Briger be dismissed, they having no just claims upon the United States.

H. Knox.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 151, folio 95. It is indorsed as read this day and passed February 2, 1786.

September 12: The following committee was appointed: Mr. [William] Houstoun, Mr. [David] Howell, Mr. [Samuel] Holten and Mr. [William] Grayson, on "Letter 9 Sept. Postmaster genl on the meaning of the words accustomed route." They reported October 3 and the report was acted on October 5. Hazard's letter is in No. 61, folio 235.

Also, the letter from Captain Aaron Hill, a Mohawk chief, dated June 14, was referred to the Secretary at War to report. It is in No. 78, XII, folio 411. See *post*, October 3.

Committee Book No. 190.

TUESDAY, SEPTEMBER 13, 1785.

Congress assembled. Present as yesterday.

The Grand Committee consisting of Mr [Abiel] Foster, Mr [Elbridge] Gerry, Mr [David] Howell, Mr [Joseph Platt] Cook, Mr [John] Lawrance, Mr [Lambert] Cadwallader, Mr [Charles] Pettit, Mr [William] Hindman, Mr [Samuel] Hardy, Mr [William] Cumming, Mr [Jacob] Read and Mr [William] Houstoun, to whom were committed sundry Motions, Report,

That on the 31st of December, 1786, the accounts of the several states with the United States, as far as they may then be liquidated, shall by the respective commissioners adjusting the said accounts, be reported to the board of treasury, who shall order an entry of such liquidation, to be made in the books of the treasury and the balance thereon to be struck, distinguishing the principal from the interest; and on the 31st day of December in every succeeding year, the same mode shall be observed until those accounts are finally adjusted. That the balance of the principal thus annually ascertained to be due to any State, shall bear an interest of six per cent. per annum, which interest shall be included in the estimate of the next, and of each succeeding requisition, and be discounted from the quota of such state for the respective year: And if any balance shall be due to the United States from any State, it shall be charged with the interest thereof, over and above its quota of the said requisition. Provided that nothing herein contained shall affect the resolution of Congress of the 22d of November, 1777, and of the 6th of October, 1779, which are hereby confirmed, nor shall any state be charged compound interest on any such adjustment. Provided, also, that claims for continental bills emitted before the 18th of March, 1780, other than those for the payments made on the quotas of such bills of any state, pursuant to any resolutions of Congress, shall not come within the purview of this resolution.

Resolved, That where supplies have been furnished ~~during the campaigns of 1780 and 1781~~ by individuals for the use of the ~~United States~~ army of the U. S. and have been assumed by any State, the commissioner for settling the accounts of such state with the United States, shall be authorised and instructed to liquidate such claims upon the same principles as though they had remained in the hands of the individuals, and admit them as a charge against the United States.

The Grand Committee appointed as aforesaid, to consider sundry motions referred to them, beg leave to report farther, that after the words "year 1784," in the second paragraph after the apportionment of the requisition, be inserted the following words:

Provided that the commissioner of the continental loan-office in any state, shall not on any pretence whatever, settle or issue any certificate or certificates for the interest due on any continental loan-office certificate, or other certificate of liquidated debts aforesaid, being the property of a citizen or citizens of such state until the said state shall have passed a legislative act, complying with this requisition, nor shall he issue any certificate or take any other measure whereby the interest may be paid by the state, in any mode not pointed out by this requisition, or whereby a discrimination may be made by such state, between the holder of loan-office certificates issued from his office, who are citizens of that state, and foreigners or the citizens of any other state. But the said commissioner shall issue certificates for interest as aforesaid, due on continental loan office certificates issued from his office belonging to foreigners; and also to the citizens of such states only as shall have complyed with this requisition after administering or receiving a certificate signed by a notary public of any state, that he has administered to the person demanding interest, the following oath or affirmation, to which shall be annexed a schedule of the said certificates, designating their dates, number, value, by whom signed, and to whom issued. I do swear (or affirm) that the loan office certificate (or certificates) mentioned and described in the list or schedule hereunto annexed, was on the day of being the date of this requisition, and now are the property of a citizen (or citizens) of the state of being the state which has passed a legislative act in compliance with this requisition (or of some corporate body or charitable institution within the same, or of some foreigner or foreigners who is or are not a citizen or citizens of any of the United States, as the case may be) and that I do not present the said certificate or certificates with any fraudulent or collusive intention, but in compliance with the true intent and meaning of the requisition of Congress. All which I swear or affirm without equivocation or mental reservation.

Pass'd as taken into a [undecipherable].

Postponed.

Excepting from this proviso, such State or states as by the books of the treasury shall appear to have paid their full quota of the requisition of the 30th October, 1781, for eight millions of dollars,

upon the former and present apportionment of the same so far as to admit the commissioner of the continental loan-office in such state or states, to issue certificates for interest in the same manner, as the commissioner in the states passing legislative acts as aforesaid.

Passed.

Provided nevertheless, that where any state hath made provision by law, for paying any part of the interest of the domestic debt of the United States, contained in the estimate on which this requisition is founded, the continental loan-officer in such state shall without delay, ascertain the sum which shall have been so paid, pursuant to such law on or before the day of next, and shall make report thereof to the board of treasury, and also to the legislature of such state, who may deduct from their quota of this requisition and be credited in part payment thereof, the sum so paid, not exceeding two thirds of such quota, every state being held to pay in specie one third part of the said quota previously to the emission of such credit; and if any state shall have so paid in discharge of interest as aforesaid, a sum exceeding two thirds of its quota of this requisition, such surplus shall be admitted as a charge against the United States, in the settlement of the general account of such state, but if any interest after the said day of shall be paid by any state, contrary to the true intent of this requisition, such payment shall not be admitted as a charge against the United States.

Passed.

And any commissioner of a continental loan office who shall disobey the directions contained in these requisitions shall be dismissed from office by the board of treasury, who are hereby authorized to fill up the vacancy, and report the same to Congress.

Postponed for a new draft.

And every commissioner of the continental loan-office, previous to his settling and issuing certificates as aforesaid for the interest due on certificates of liquidated debts, ~~not the property of the particular State in which his office is kept,~~ shall administer an oath or affirmation or require a certificate signed by ~~the register or clerk of one of the counties of the respective state, that he has~~ one of the persons whom the respective state in the legislative act complying with this requisition shall appoint, that he has administered, to the owner or possessor of every such certificate of liquidated debts, an oath or affirmation that the same ~~was, on the day of (being the day on which the act of the legislature for complying with~~

~~this requisition passed~~) ~~and now~~ is, bona fide the property of the particular state in which his office is kept or of some corporate body or charitable institution within the same, or of some foreigner who is not a citizen of any of the United States; describing the certificate or certificates alluded to in every such oath or affirmation, in such manner as shall be necessary to identify the same, or as may be prescribed by the legislature of the said state.

And for preventing the depreciation of certificates to be issued as aforesaid, the legislature of each State is required to provide in the act for complying with this requisition, that if on the day of the said State's quota of the said certificates so to be issued, shall not be in the hands of the state treasurer, or other proper officer, the deficiency shall be collected and paid into the continental treasury in specie, which when so paid, is hereby appropriated to the redemption of such surplus certificates.

Provided, nevertheless, that any State which shall have obtained a credit in the books of the treasury, for the full payment of its quota of this requisition, shall at any time after such payment shall have been compleated, be admitted to pay into the treasury of the United States, any sum or sums in the said certificates, and have credit for the same, to be deducted out of the whole quota of such State of the next succeeding requisition.[1]

Congress resumed the consideration of the requisition for 1785; and the grand committee, to whom were referred the provisoes moved by Mr. [Elbridge] Gerry on the 3d of August, having reported certain provisoes to be referred immediately after the words "and certified to the last day of the year 1784," a motion was made by Mr. [William] Ellery, seconded by Mr. [John] Vining, to postpone the first proviso reported by the grand committee, in order to take into consideration another to be substituted in place thereof; The part of the report moved to be postponed is as follows:

Provided that the commissioner of the continental loan office in any state, shall not on any pretence whatever, settle or issue any certificate or certificates for the interest due on any continental loan office certificate, or other certifi-

[1] This report, printed, is in the *Papers of the Continental Congress*, No. 26, folio 511. It is the report of August 5, on which Thomson and Alden have entered in manuscript the changes made by Congress. See *ante*, August 5, and *post*, September 24.

cate of liquidated debts aforesaid, being the property of a citizen or citizens of such state, until the said state shall have passed a legislative act, complying with this requisition; nor shall he issue any certificate, or take any other measure whereby the interest may be paid by the state, in any mode not pointed out by this requisition, or whereby a discrimination may be made by such state, between the holders of loan office certificates issued from his office who are citizens of that state, and foreigners or the citizens of any other state; but the said Commissioner shall issue certificates for interest as aforesaid, due on continental loan office certificates, issued from his Office to foreigners, and also to the citizens of such states as shall have complied with this requisition.

The question for postponing being carried in the affirmative, the proviso moved by Mr. [William] Ellery was read as follows:

Provided that the commissioner of the continental loan office in any state, shall not, on any pretence whatever, settle or issue any certificate or certificates for the interest due on any continental loan office certificate, or other certificate of liquidated debts as aforesaid, unless as hereafter provided, until the state for which he is continental loan officer, shall have passed a legislative act complying with this requisition; nor shall he issue any certificate, or take any other measure whereby the interest may be paid by the state in any mode not pointed out by this requisition; nor shall the commissioner of the continental loan office in any state that shall have complied with this requisition, issue any certificate, or take any other measure whereby a discrimination may be made by such state, between the holders of loan Office certificates issued from his office, who are citizens of that state, and foreigners, or the citizens of any other state that shall have complied with this requisition. Provided always, that any continental loan Officer shall issue certificates for interest as aforesaid, due on continental loan

Office certificates issued from his Office, and belonging to foreigners, [and also to the citizens of such state as shall have passed a legislative act complying with this requisition as aforesaid.][1]

On the question to agree to this proviso, the yeas and nays being required by Mr. [John] Vining,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Smith,	ay	*
New Jersey,		
Mr. Cadwallader,	ay	*
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	no	
Pettit,	ay	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	ay	ay
Bull,	no	
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Habersham,	ay	ay
Baldwin,	ay	

So it was resolved in the affirmative.[2]

OFFICE OF SECRETARY OF CONGRESS,
Sept. 13, 1785.

On the letter of 29 June, 1785, from Mr. Barré, which was on the 2d transmitted to Congress by the Secretary for the department of

[1] This proviso, in the writing of William Ellery, except the part in brackets which is in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 155. The vote is on folio 156 as well as in the Journal.

[2] On this day, according to the indorsement, was read a letter from Lt. Col. Josiah Harmar, dated September 1, forwarding a return of the troops at Fort McIntosh. This is in No. 163, folio 487.

foreign affairs, and in which Mr. Barré claims the good offices of the said Secy. with Congress for a recompense for his services & states that "at the time of his last voyage to America he had reason to expect the Cross of Cincinnati and a grade in the American marine" and hopes that his request will be granted, &c.

The Secretary of Congress reports,

That a petition to the same effect from Mr. Barré was presented to Congress the 13th of December last and referred to a Com^ee^ who reported, "That it would be adviseable to postpone a decision on his request until Congress should arrange and organize the marine department and then that the said petition should be referred to the Commissioner or Commissioners who may be appointed to superintend it". This report seems calculated to keep alive in the petitioner a hope and expectation, which must in part if not in whole be fruitless. The Cross of the Cincinnati Congress have not a power to grant. The application to them for it arose, without doubt, from a mistaken opinion that the Society of the Cincinnati was an Order of Knighthood similar to those Orders instituted by the Sovereigns of Europe. The captivity and sufferings of the petitioner, on which he grounds his claim to promotion, do not appear to be of such a nature as to entitle him to it. It does not appear that Mr. Barré ever held a commission from Congress or that he ever served on board a continental ship of war. On the contrary there is reason to believe that he was captured in a private armed vessel: And although his sufferings during his captivity were great yet they seem, by his own account, to have been owing to a suspicion of his being the Author of a mutiny and of having fired an 18 pounder which endangered the ship in which he was a prisoner. But had his claim to rank been much better grounded, such is the present state of the American Navy that it does not appear proper to grant it. For these reasons the Secretary of Congress reports as his Opinion,

Passed 6 Octr. Referred to Secy. for foreign affairs to take order.

R. H. LEE.

That the letter of the 29 June from Mr. Barré and the papers accompanying it be returned to the Secretary for the department of foreign affairs and that he be informed that though Congress are touched with the account of the petitioner's sufferings they cannot with propriety grant his request.[1]

[1] This report, in Thomson's writing, is in the *Papers of the Continental Congress*, No. 180, *Reports of the Secretary of Congress*.

OFFICE OF THE SECRETARY OF CONGRESS,
Sept. 13, 1785.

On the letter of the 8th from Richard Soderstrom stating that he "has been informed that some time since a representation *on his subject* was before Congress from Messrs. Sears and Smith" and praying to be furnished with a copy of the paper or papers referred to, The Secretary of Congress reports,

That the papers referred to came before Congress in an official Communication from the Secy. to the U. S. for the department of foreign Affairs, touching the irregular manner in which Mr. Soderstrom entered upon the execution of his Commission of Consul without a previous recognition or notification by the United States in Congress assembled. That they were returned to the Office for foreign Affairs; that the Secretary of Congress entertains doubts respecting the propriety of granting to persons concerned copies of information or intelligence coming through that channel.

The Secretary of Congress therefore reports,

Agreed to Octr. 4, 1785. R. H. LEE, p. That the letter of 8th from Richard Soderstrom be referred to the Secretary for the department of foreign Affairs to report.[1]

The Committee consisting of Mr. [John] Kean, Mr. [Charles] Pettit and Mr. [John] Vining, to whom was referred a Letter of the 7th September, 1785, from the Board of Treasury enclosing one from de la Lande & Finje of July 1, 1785, Report—

That the Commissioners of the Treasury be and are hereby instructed to take such measures as will effectually secure to the United States the monies due from de la Lande & Finje, and that it be recommended to the Commissioners to use every Lenity which may consist with securing the same.

Ordered, That the above report be referred to the Board of Treasury to take Order.[2]

[1] This report, in Thomson's writing, is in the *Papers of the Continental Congress,* No. 180, *Reports of the Secretary of Congress.* See *post,* October 7.

[2] This proceeding is entered in Resolve Book No. 123. The report, in the writing of John Vining, is in the *Papers of the Continental Congress,* No. 19, III, folio 403.

[Report of Mr. David Howell, Mr Charles Pettit, Mr William Samuel Johnson, on petition of William Irwine.]

The Committee to whom was referred the Petition of William Irwine and others, Report—

That it is stated in the Petition, that the Petitioners under a License from the Commissioners for treating with the Indians, established a Store-house on the West Branch of Big Beaver Creek.

That, finding at the said Place a Conveniency for making Salt, and considering it of great Importance, not only as an Object of Profit to themselves, but as beneficial to the Inhabitants of the neighbouring Country, to establish a Manufactory of that necessary Article, they have at a considerable Expence made Provision for carrying on such Manufactory, considering it as within their License from the said Commissioners.

The Petitioners farther State to your Committee that the Western Boundary of Pennsylvania being not yet fixed nor likely to be this year, it remains uncertain whether their Improvements are within that State, or on the Lands of the United States; that they had made considerable Progress in the undertaking before the late Proclamation and on a supposition that it would merit the Approbation rather than the Displeasure of Congress; but that they are Apprehensive the Officer commanding the Troops in that Country may conceive himself obliged to stop their Proceedings—They therefore pray the Protection of Congress, that the Said Officer may be instructed to permit them to pursue their Plan of Industry, and that they may have the preemption of the Land on which their Improvements are made if the same shd prove to be the property of the United States.

Your Committee therefore submit the following Resolutions,

Resolved, That the Officer commanding the Troops in the Western Country, be instructed to permit William Irvine and others who as a Company *have erected a Store*, and are preparing a Salt Manufactory on Beaver Creek to proceed in the said Business.

~~*Resolved*, That if on ascertaining the Western Boundary of Pennsylvania the Seat of the said Store and Salt Works or either of them should prove to be on Lands which are the property of the United States, the Proprietors of the said Store and Salt Works shall be entitled to the preemption of the Township, or fractional Part of a Township, as the Case may be, which shall include the said Buildings and Works, according to the Division made by the Geographer of the~~

~~United States; the said Proprietors paying for such Portion of Land such Price as shall be awarded by three Persons (or any two of them) to be chosen and agreed upon by the Geographer of the United States, and the said Proprietors; provided that such Price be not less than one Dollar per Acre, and that the Mode and Terms of Payment be according to the Directions of the Ordinance of the 20th of May last for the Division and Sale of Land.~~[1]

WEDNESDAY, SEPTEMBER 14, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina; and from the State of Virginia, Mr. [William] Grayson; from North Carolina, Mr. [William] Cumming, and from Georgia, Mr. [John] Habersham.

On a report from the Secretary at War, to whom was referred a memorial of Pierre Ayotte,

Resolved, That the Commissioner of Army Accounts, in liquidating the claims of Pierre Ayotte, allow him the pay and subsistence of a captain for the year 1776, deducting three hundred dollars advanced him by the resolution of the 24th February last.

That the further sum of one hundred and fifty dollars be allowed him in full of all expences incurred by him in the service of the public.

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[1] This report, in the writing of Charles Pettit, is in the *Papers of the Continental Congress*, No. 19, III, folio 249. The indorsement states that it was read on this day. See *ante*, June 29.

SEPTEMBER 13: The following committee was appointed:

Mr. [William] Grayson, Mr. [Pierse] Long and Mr. [David] Howell, on a letter of "14 Sept" from Thomas Paine "to know what Congress mean to do for him." Report was rendered September 26. Paine's letter, undated, is in No. 55, folio 89.

Also on this day, the petition of Hugh Ferguson, respecting a settlement of his accounts, was referred to the Board of Treasury to report, which it did September 17.

Committee Book No. 190.

That he be allowed rations until the first of June next, and that the same quantity of lands be assigned to him, as may be assigned to the heads of other canadian families.

The Com^ee^ [consisting of Mr. Samuel Holten, Mr. John Haring and Mr. David Howell] to whom was referred a Memorial from Return Jonathan Meigs, late a Col. in the service of the U. States, and Job: Greene son and heir of Christopher Greene deceased, late also a Col. in s^d^ Service, beg leave to submit the following report.

Your Com^ee^ find that on the 16th day of May, 1776, the Sum of £50 Halifax currency was borrowed of Wm Simon Faraser, of Quebec, by the late Col. Christopher Greene, and the first mentioned memorialist, then prisoners in Quebec, for the repayment whereof, with lawful interest, they gave their joint note to Mr Fraser. Your Com^ee^ also find s^d^ Sum was expended by the aforesaid borrowers for the use and comfort of their unfortunate fellow prisoners.

Whereupon your Com^ee^ recommend the following resolution:

Resolved, That the Board of Treasury take order for paying to Return Jonathan Meigs, late a Col. in the service of the U. States & to the legal representative of Christopher Greene deceased, late a Col. in said Service, the Sum of two hundred dollars with interest, thereon from May 16, 1776, the same having been by them expended for the use and comfort of their unfortunate fellow prisoners in Quebec in the year 1776.[1]

WAR OFFICE, *Sep^t^ 12th 1785.*

The Secretary of the United States for the department of War, to whom was referred two papers on Indian Affairs, one signed by sundry of the Oneida Chiefs, and the other by Jacob Reed dated New York Sep^t^ 8th, 1785, Reports—

That however true the information transmitted by the Oneida Chiefs may be, relative to the proceedings of the British Troops against the Cagnawagas Indians he conceives the United States cannot take any cognizance of the same. That the Coghwanags having their residence in the centre of Canada must be supposed to be under the direction of the Government there, in the same degree with any other subjects as in the manner that the Stockbridge Indians are under the direction of the Government of the Commonwealth of Massachusetts.

[1] This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, IV, folio 49. According to indorsement it was read this day and passed September 28.

That presuming the Letter from the Oneida's to be genuine, it may be proper that an answer be given expressive of their good will to the Oneida Nation. That the information of the proceedings against the Coghnawagas gives them uneasiness as they are entirely in the dark with respect to the transaction & as it relates to those people settled in the heart of Canada under the protection of the British Government, any interference on the part of the United States would not only be improper but without effect, as it appears, whatever intention the British Government might have towards that tribe of Indians, it must have been exerted before Congress could possibly take any measures on the subject—That the sincere dispositions of Congress are for Peace with all the World. That if however there should be any violation of Treaties particularly those made by the Indians last year at Fort Stanwix Congress possess the means of inflicting full vengeance on the Criminals, and they desire their good friends the Oneidas to inform the six Nations of their sentiments." That the letter signed Jacob Reed does not appear to your Secretary to be an authentic Act of the Chiefs of the Oneidas but probably a fabrication of his own in conjunction with some interested persons.

[The Sec^y at war reports] That *independent however of this letter* it may be a subject worthy the attention of Congress, whether it would not be necessary to appoint some confidential Person with a small Salary, either resident with the six Nations or upon the Frontiers nearest to them, to whom they might apply as the intermediate Person between them and Congress. That this appointment would involve a certain expence, but whether it would not be fully compensated by the Political good resulting from it in the management of the Indian and the prevention of applications to Congress upon frivolous occasions by unauthorized Persons is a question to be decided by Congress—every party of Indians who may think proper to repair to Congress will expect to be gratified by presents—the custom of visiting will increase in proportion to the value of presents and kindness of the treatment they may receive.

Your Secretary is sensible that the smallest establishment of this nature cannot be made without considerable disbursements, as the Agent must possess almost a discretionary power of appropriating the public means in his possession; that the principals of this kind of Business, in which it is difficult to obtain fair and accurate Vouchers will require that the most approved integrity and judgment should be united in an Agent, which qualities would be a greater security

against frauds than whole quires of apparent Vouchers whose goodness cannot be known by any established criterion.

At the same time your Secretary intimates his opinion of the propriety of this institution, he is sensible that it is only part of a Plan which probably the United States may hereafter find necessary to form, which may comprehend the whole system of Indian Affairs, but which perhaps may be executed in detail until that period shall arrive.

There being four of the Oneidas in this City, who know that presents were lately ordered to the Stockbridge Indians; your Secretary submits to Congress the propriety of making them the like donations.

H. KNOX.[1]

Motion—

That one hundred dollars be appropriated for presents &c to the said Indians.

Ordered, That the foregoing report and motion be referred to the Secretary at War to take order.[2]

THURSDAY, SEPTEMBER 15, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland and South Carolina; and from the State of Virginia, Mr. [William] Grayson, and from Georgia, Mr. [John] Habersham.

[1] This report is in the *Papers of the Continental Congress,* No. 151, folio 103. It is indorsed as "Ent^d Sep. 12." According to Resolve Book No. 123 it was read September 14. The phrase in brackets was written in by Charles Thomson after October 4, *q. v.*

[2] This motion and order are entered by Benjamin Bankson in Resolve Book No. 123, wherein Knox's report is also copied.

Also on this day, according to Committee Book No. 190, a memorial from Toussaint Lopez, dated September 2, was read and referred to the Board of Treasury to report. A report was rendered September 19; the memorial is in No. 42, IV, folio 364. See *ante,* May 13, and *post,* September 24.

Also, according to indorsement, was read a letter from Thomas Johnson, dated September, declining to act as a judge in the boundary controversy between Massachusetts and New York. It is in No. 78, XIII, folio 351.

Also, a letter of August 30 from John Langdon, President of New Hampshire, acknowledging the letter and resolves of Congress relative to representation. It is in No. 64, folio 264.

Congress resumed the consideration of the requisition for 1785; and the following paragraph being part of the provisoes reported by the grand committee, to be inserted immediately after the words "and certified to the last day of the year 1784," being under debate, viz. "And any commissioner of a continental loan office, who shall disobey the directions contained in this requisition, shall be dismissed from Office by the board of treasury, who are hereby authorized to fill up the vacancy, and report the same to Congress."

A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [James] McHenry, to postpone the consideration of that paragraph, in order to take up the following part of a report of a grand committee, viz. "That where supplies have been furnished by individuals for the use of the United States, and have been assumed by any state, the commissioner for settling the Accounts of such state with the United States, shall be authorised and instructed, to liquidate such claims upon the same principles as though they had remained in the hands of the individuals, and admit them as a charge against the United States."

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Charles] Pinckney,

New Hampshire,			*New York,*		
Mr. Foster,	no	no	Mr. Haring,	no	no
Long,	no		Smith,	no	
Massachusetts,			*New Jersey,*		
Mr. Gerry,	no	no	Mr. Cadwallader,	no	no
Holten,	no		Stewart,	no	
King,	no		*Pennsylvania,*		
Rhode Island,			Mr. Gardner,	no	no
Mr. Ellery,	no	div.	Jackson,	no	
Howell,	ay		Pettit,	no	
Connecticut,			*Delaware,*		
Mr. Cook,	no	no	Mr. Vining,	no	no
Johnson,	no		Bedford,	no	

Maryland,		*South Carolina,*	
Mr. McHenry,	ay } ay	Mr. Bull,	ay } ay
Hindman,	ay }	Pinckney,	ay }
Virginia,		Kean,	ay }
Mr. Grayson,	ay } *	*Georgia,*	
		Mr. Habersham,	ay } *

So it passed in the negative.

SEPTEMBER 15th, 1785: That the Board of Treasury pay to Samuel Frauncis two thousand dollars in Specie and receive from him and cancel four Loan Office Certificates of that nominal amount conformably to the Resolve of the 4th of April last.

Ordered, That the above be referred to the Board of Treasury to take order.[1]

FRIDAY, SEPTEMBER 16, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, South Carolina and Georgia; and from the State of Delaware, Mr. [Gunning] Bedford, and from North Carolina, Mr. [William] Cumming.

Congress resumed the consideration of the requisition for 1785, and the paragraph being under debate, which was reported by the grand committee as part of the provisoes to be inserted after the words, "and certified to the last day of the year 1784," viz. "And any commissioner of a continental

[1] This proceeding was entered by Benjamin Bankson in Resolve Book No. 123. Thomson entered it, in slightly different phraseology, in Committee Book No. 190.

Also, according to Committee Book No. 190, Congress was to resolve itself into a Committee of the Whole on this day, to consider the claims of the Wyoming settlers. See *ante*, August 19 and January 13, and *post*, September 19.

Also, on this day, another memorial, dated September 15, from Pierre du Calvet, was submitted to Congress in a letter from the Secretary for Foreign Affairs, of this date. Both were read and the matter referred to the Board of Treasury to report. Calvet's memorial is in No. 78, VIII, folio 427. Jay's letter is in No. 80, I, folio 389.

Also, was read the report of September 15 from the Secretary at War on the petition of William Finnie for rank and emoluments of a colonel. It is in No. 151, folio 107. Committee Book No. 191 notes the report as filed and the indorsement states that it was acted on February 2, 1786.

loan office, who shall disobey the directions contained in this requisition, shall be dismissed from office by the board of treasury, who are hereby authorized to fill up the vacancy, and report the same to Congress."

A motion was made by Mr. [Gunning] Bedford, seconded by Mr. [Charles] Stewart, to amend the same by striking out the words, "by the board of treasury, who are hereby authorised to fill up the vacancy, and report the same to Congress," and before the words "be dismissed," inserting, "on a report thereof made by the board of treasury;" and after "office," inserting, "and the vacancy filled up by Congress, or in their recess by the committee of the states;" so that it read, "And any commissioner of a continental loan Office, who shall disobey the directions contained in this requisition, shall, on a representation thereof made by the board of treasury, be dismissed from office, and the vacancy filled up by Congress, or in their recess by the committee of the states."

A motion was made by Mr. [Melancton] Smith, seconded by Mr. [Elbridge] Gerry, to postpone that amendment, in order to take up the following amendment, viz. to strike out the words, "who are hereby authorised to fill up the vacancy, and report the same to Congress," and in lieu thereof insert, "and a report thereof shall be immediately made to Congress, or in their recess to a Committee of the states, who shall immediately proceed to fill up the vacancy;" so that it read, "And any commissioner of a continental loan office, who shall disobey the directions contained in this requisition, shall be dismissed from Office by the board of treasury, and a report thereof shall be immediately made to Congress, or in their recess to a committee of the states, who shall immediately proceed to fill up the vacancy."

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Gunning] Bedford,

New Hampshire,		
Mr. Foster,	ay	div.
Long,	no	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut		
Mr. Cook,	no	div.
Johnson,	ay	
New York,		
Mr. Haring,	no	div.
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	div.
Pettit,	ay	
Delaware,		
Mr. Bedford,	no	*
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
South Carolina,		
Mr. Bull,	no	ay
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	no	no
Habersham,	no	

So the question was lost.

On the question to agree to the amendment, moved by Mr. [Gunning] Bedford, the yeas and nays being required by Mr. Bedford,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	no	div.
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	div.
Johnson,	no	
New York,		
Mr. Haring,	ay	div.
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	div.
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Wilson,	no	
Delaware,		
Mr. Vining,	no	div.
Bedford,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Grayson,	no	*

North Carolina,			*Georgia,*		
Mr. Cumming,	ay	*	Mr. Houstoun,	ay	ay
South Carolina,			Habersham,	ay	
Mr. Pinckney,	no	no			
Kean,	no				

So the question was lost.

The paragraph reported by the grand committee being amended to read as follows:

And if any commissioner of a continental loan office, shall disobey or neglect to carry into execution, any resolution, or order of Congress, or otherwise neglect his duty in the said Office, the board of treasury shall suspend him from his office, and the emoluments thereof, and immediately report the reasons thereof to Congress; and the board of treasury are hereby impowered to appoint in the room of the commissioner of the continental loan office so suspended, a citizen of the state in which the office is kept, who shall have all the powers and emoluments of a commissioner of the continental loan office, until Congress shall finally determine respecting the suspension.[1]

On the question to agree to the paragraph as amended, the yeas and nays being required by Mr. [John] Vining,

New Hampshire,			*New York,*		
Mr. Foster,	ay	ay	Mr. Smith,	ay	*
Long,	ay		*New Jersey,*		
Massachusetts,			Mr. Cadwallader,	ay	ay
Mr. Gerry,	ay	ay	Stewart,	ay	
Holten,	ay		*Pennsylvania,*		
King,	ay		Mr. Gardner,	ay	ay
Rhode Island,			Jackson,	ay	
Mr. Ellery,	no	div.	Pettit,	ay	
Howell.	ay		Wilson,	ay	
Connecticut,			*Delaware,*		
Mr. Cook,	ay	ay	Mr. Vining,	ay	ay
Johnson,	ay		Bedford,	ay	

[1] This paragraph, in the writing of John Kean, is in the *Papers of the Continental Congress*, No. 36, III, folio 159.

Maryland,			*South Carolina,*		
Mr. McHenry,	ay	ay	Mr. Bull,	ay	ay
Hindman,	ay		Pinckney,	ay	
Virginia,			Kean,	ay	
Mr. Grayson,	ay	*	*Georgia,*		
			Mr. Houstoun,	ay	ay
			Habersham,	ay	

So it was resolved in the affirmative.

The next paragraph in the report of the grand committee, to be inserted as beforementioned, being amended to read as follows:

And every commissioner of the continental loan Office, previous to settling and issuing certificates as aforesaid, for the interests due on certificates of liquidated debts not the property of the state in which his office is kept, shall administer an oath or affirmation, or require a certificate signed by such person or persons as the states respectively in their legislative acts complying with this requisition shall direct and appoint, that he or they have administered to the owner or possessor of every such certificate of liquidated debts, an Oath or affirmation that the same was on the day of (being the day on which the act of the legislature for complying with this requisition passed) and now is *bona fide* the property of a citizen or citizens of the said state, or of some corporate body or charitable institution within the same, or of some foreigner who is not a citizen of any of the United States; describing the certificate or certificates alluded to in every such oath or affirmation, in such manner as shall be necessary to identify the same, or as may be prescribed by the legislature of the said State.

A motion was made by Mr. [Gunning] Bedford, seconded by Mr. [James] McHenry, to strike out the words, "was on the day of (being the day on which the act of the legislature for complying with this requisition passed) and now."

And on the question shall those words stand? the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Smith,	ay	*
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Wilson,	no	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Grayson,	no	*
South Carolina,		
Mr. Bull,	no	no
Pinckney,	no	
Kean,	no	
Georgia,		
Mr. Houstoun,	no	no
Habersham,	no	

So the question was lost, and the words were struck out.[1]

OFFICE FOR FOREIGN AFFAIRS,
15th September, 1785.

* * * * * * *

How far the Honor or Interest of the United States require, that Congress should remonstrate to his Catholic Majesty against and demand Satisfaction for the Conduct of that late Governor, is a Question which Congress is best able to decide. As that Man is now out of Office, and does not appear to have acted by Orders of his Court, as no direct Commerce in future between these States and spanish american Ports is probable and as Count de Galvez who succeeded Unzaga shewed a Degree of Kindness to Americans, in some Degree proportionate to the Harshness they experienced from the

[1] On this day, as the indorsement states, was read a petition of Cornelia Anderson praying for damages suffered by destruction of her property during the war. It is dated September 16 and is in the *Papers of the Continental Congress*, No. 42, I, folio 71.

latter, the Expediency of such Remonstrances, appears very doubtful to your Secretary.

Whatever Injuries Americans sustained at the Havanna by arbitrary and illegal Acts of the Governor, certainly afford good Claims against the King of Spain for Compensation; the Sovereign of one Country being responsible to that of another for the Conduct of his Ministers and Servants.

But as Inquiry must precede Judgment, as Unzaga is in Spain and Mr. Beveridge here, and the Facts happened at neither Place, but at the Havanna, your Secretary is apprehensive that more Trouble than Advantage would result to the Complainant, as well as to both Sovereigns from such Remonstrances and Demands, for if once made, the Object of them ought never, in any Event, to be relinquished, however inconvenient a Perseverance in them may be rendered by a Variety of Considerations of greater Magnitude and more public Importance.

For these Reasons your Secretary is of Opinion, that such Remonstrances or Demands, for Satisfaction, had better be omitted, at least for the present—but in Case there should remain at the Havanna, any legal Impediments to the Recovery of Monies, there due or payable to Americans, either from the Governor or from Individuals, that it would be proper for Congress to interpose and take Measures for removing them.

That in his Opinion it would also be proper for Congress to express to the Court of Madrid their Sense of the generous and handsome Manner in which Count de Galvez had treated the Americans who were confined, and in other Respects suffering at the Havanna; and that your Secretary should be directed to write accordingly to the Count de Florida Blanca, and also to the Count de Galvez—signifying to the former that Congress are pleased with the Attention which Mr. Gardoqui also manifested to the Persons in Question.

All which is submitted to the Wisdom of Congress.

JOHN JAY.[1]

[1] The full report from which this extract is given is in the *Papers of the Continental Congress*, No. 81, I, folio 379. It is indorsed: "Sept: 16. 1785. Referred back to report the letters mentioned in the last paragraph."

Also, according to indorsement and Committee Book No. 190, the report of the Secretary for Foreign Affairs dated September 15, on the complaints of Oliver Pollock and David Beveridge of ill treatment received at Havana, was read. It is in No. 81, I, folio 373, and transcribes a correspondence in the matter, between Jay and Governor Gardoqui. The opinion submitted to Congress by Jay is given above.

SATURDAY, SEPTEMBER 17, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina and Georgia; and from the State of North Carolina, Mr. [William] Cumming.

The paragraph last under debate yesterday, being amended to read:

And every commissioner of the continental loan Office, previous to settling and issuing certificates as aforesaid, for the interest due on certificates of liquidated debts, shall administer an Oath or affirmation, or require a certificate signed by one of the persons whom the respective state in the legislative act complying with this requisition shall appoint, that he has administered to the owner or possessor of every such certificate, an oath or affirmation, that the same is bona fide the property of the particular state in which the said commissioner resides, or of a citizen or citizens of the said state, or of some corporate body or charitable institution within the same, or of some foreigner who is not a citizen of any of the United States, describing the certificate or certificates alluded to in every such oath or affirmation, in such manner as shall be necessary to identify the same, or as may be prescribed by the legislature of the said State.

A motion was made by Mr. [James] McHenry, seconded by Mr. [David] Howell, after the words "oath or affirmation," where first recited, to insert, "if so required by the State."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	div.
Howell,	ay	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Lawrance,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Wilson,	no	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	ay	div.
Hindman,	no	
North Carolina,		
Mr. Cumming,	no	*
South Carolina,		
Mr. Bull,	no	no
Pinckney,	no	
Kean,	no	
Georgia,		
Mr. Houstoun,	no	no
Habersham,	no	

So it passed in the negative.

A motion was then made by Mr. [David] Howell, seconded by Mr. [James] McHenry, to strike out the whole paragraph.

And on the question, shall the paragraph, as amended, stand? the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	ay	div.
Howell,	no	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Lawrance,	ay	ay
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	

Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Wilson,	ay	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	no	div.
Hindman,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Bull,	ay	ay
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	

So it was resolved in the affirmative.

The last paragraph in the report of the grand committee to be inserted as beforementioned. being amended to read as follows:

Provided, nevertheless, that any state, which shall have obtained a credit in the books of the treasury, for the full payment of its quota of this requisition, shall, at any time after such payment shall have been compleated, be admitted to pay into the treasury of the United States, any sum or sums in the said certificates to be issued for interest as aforesaid, and have credit for the same, to be deducted out of the quota of such state, in the next succeeding requisition; provided that such sum or sums do not exceed one half of the said quota.

On the question to agree to this paragraph, the yeas and nays being required by Mr. [James] Wilson,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten	ay	
King,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Lawrance,	ay	ay
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	

Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Wilson,	ay	
Delaware,		
Mr. Vining,	ay	div.
Bedford,	no	
Maryland,		
Mr. McHenry,	no	div.
Hindman,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Bull,	ay	ay
Pinckney,	ay	
Kean,	no	
Georgia,		
Mr. Houstoun,	no	no
Habersham,	no	

So it passed in the affirmative.[1]

BOARD OF TREASURY,
Septr 16th, 1785.

The Board of Treasury to whom was referred the Memorial and Petition of Hugh Ferguson, beg leave to Report—

That they have conferred on the subject of the said Memorial with the Comm^r for settling Accounts in the Commiss^y Genl Department, and find,

That the Commiss^r in the liquidation of the said Account has governed himself by the discretionary powers vested in the Commiss^rs for settling Accounts in the Staff Department by the Resolves of Congress of the 26th of August, 1780, and the 3^d of June, 1784, the object of which is to ascertain the Specie value of services performed or supplies furnished at the places where the Monies were Expended without confining the Comm^r to any particular scale for ascertaining such value.

That although the general rule adopted by the respective Commissioners in the settlement of Accounts, has been to ascertain the value of disbursements agreeably to the Scale of the State where such disbursements were made; yet where such scale, when applied to the cost of particular Articles differed from the bona fide specie price, the Commiss^rs have exercised their Judgment in ascertaining the just value according to the best evidence they could obtain.

That by making any deviation from those principles by which so many claims have been finally adjusted, a precedent would be established which in its consequences might set afloat all settlements of

[1] This line is in the writing of Roger Alden.

Accounts which have been determined on by the respective Commissioners.

The Board beg leave further to Report—

That although by their conferrence with the Commiss^r aforesaid, they are fully of opinion that the prayer of the Memorialist for having the Balance found due him Estimated agreeably to the Continental scale ought not to be granted; yet that it is the opinion of the said Commissioner (from circumstances which have occurred to him since the first examination of the said account) that a revision of the same might operate more favourably to the Memorialist, with respect to the Balance than he was at first entitled to. On this head of the representation they therefore submit to Congress the following Resolve:

That the Commiss^r for settling Accounts in the Commiss^y General's Department, be directed to revise the account of Hugh Ferguson employed during the late War as a purchaser in the Commiss^y Gen^ls Department. With respect to that part of the Memorial of the said Hugh Ferguson, which prays for payment of part of the principal or Interest of the Balance found due him the Board beg leave further to observe—

That as the Finances of the United States are in no degree adequate to make a partial payment to that numerous class of public Creditors whose pretentions are equally well founded with those of the Memorialist, he must wait the operation of those general measures which have been or may be devised by the United States for discharging the Interest of the National Debt.

All which is humbly submitted.

SAMUEL OSGOOD,
WALTER LIVINGSTON,
ARTHUR LEE.[1]

BOARD OF TREASURY,
17th Sept^r, 1785.

The Commissioners of the Treasury to whom was referred the Memorial of Tousaint Lopes, late a gunner in Colonel Cranes Regi-

[1] This report, in copy form, is in the *Papers of the Continental Congress*, No. 138, I, folio 401. The indorsement by Benjamin Bankson states that it was read this day and referred back to the Board to take order. The report and order are also entered in Resolve Book No. 123 and the action is noted in Committee Book No. 190.

ment of Artillery; praying for the payment of the principal and interest of the certificates issued to him on account of pay, beg leave to report as their opinion—

That the prayer of the Memorialist cannot be granted.[1]

MONDAY, SEPTEMBER 19, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina and Georgia; and from the state of Virginia, Mr. [William] Grayson, and from North Carolina, Mr. [William] Cumming.

The Order of the day being called for, and read, to go into a committee of the whole, to take into consideration a letter of 24th December, 1784, from the governor of Connecticut, stating claims of settlers at Wyoming, with a copy of a memorial of sundry inhabitants at Wyoming, and a copy of the proceedings of the legislature ~~enclosing an act of the General Assembly of that State, and a copy of a memorial of John Franklin, Ebenezer Sullivan and Phineas Pierce~~ of Connecticut relative thereto.

On motion, *Resolved*, That the business be taken up in Congress.[2]

[1] This report, signed by Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 23. According to the indorsement it was read in Congress September 19. See *ante*, September 14.

On this day, according to the indorsement, was read a letter from Robert Howe, dated September 18, informing Congress of the necessity of his returning to North Carolina before going to the Western Country. It was "Ordered to lie" and is in No. 160, folio 539.

[2] See *ante*, January 13.

Also, on this day, according to the indorsement, was read a letter from the Board of Treasury, dated September 17, respecting a letter from Stephen Gorham, Commissioner of Accounts for New Hampshire, and also on the subject of settlement of the accounts of the States. It is in the *Papers of the Continental Congress*, No. 140, II, folio 91.

Also, according to Committee Book No. 190, "three papers relative to the claim of government of New Brunswick to sundry islands west of Schooduck [Schoodic] river [lake]" were this day referred to the Secretary for Foreign Affairs to report. See *post*, September 24.

BOARD OF TREASURY,
17th September, 1785.

SIR: We do ourselves the honor of laying before Congress in Obedience to their Resolves of the 5th and 15th Sept.r Instant, the Report of the Comptroller, and Auditor of the Treasury on the Claims of Monsieur Du Calvert.

We have considered the Principles on which the Officers of the Treasury have rejected certain Claims, as stated in their Reports; and are of Opinion that they cannot, without great Public injury, be departed from.

We are with the greatest respect etc.[1]

His Excellency
The PRESIDENT OF CONGRESS.

TUESDAY, SEPTEMBER 20, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina and Georgia; and from the State of Virginia, Mr. [William] Grayson, and from North Carolina, Mr. [William] Cumming.

In pursuance of the order of the 9th of August [the Secretary for Foreign Affairs] reported the number of Consuls necessary to be appointed by Congress.[2]

OFFICE FOR FOREIGN AFFAIRS,
19th September, 1785.

The Secretary of the United States for the Department of foreign Affairs, in obedience to the Order of Congress of 9 Aug. 1785, respecting the number of Consuls necessary to be appointed and for what foreign Ports, Reports—

[1] This report, signed by Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, I, folio 289. According to indorsement it was read September 19. Roger Alden notes: "No original claim accompanies this report." See *ante*, September 5. The Treasury's statement of the account, the Comptroller's report and that of the Auditor are on folios 293–301. Calvet wrote two additional letters to Congress, dated September 18 and 26, respectively, which are in No. 78, VIII, folios 429 and 435. They appear to have been ignored. See *post*, September 29.

[2] The words within brackets were inserted by Roger Alden.

That in his Opinion it would be expedient to have Consuls in Russia, Sweden, Denmark, Germany the Austrain and united Netherlands, Britain, Ireland, France, Portugal, Spain, the Canaries, Madeira and certain Ports in the Mediterranean.

That a Consul General to reside at Amsterdam, should be appointed for Russia, Sweden, Denmark, Germany and the Netherlands.

That another should be appointed for Britain and Ireland to reside at London.

That another will continue necessary for France to reside at Paris.

That another should be appointed for Spain and the Canaries to reside at Madrid.

That another should be appointed for Portugal and Madeira &ca to reside at Lisbon, and that the Mediterreanean Ports should for the present be included in his Consulate.

Your Secretary is further of Opinion that each of the said Consuls General should be directed to nominate such and so many Consuls, for Ports within his District, as he may from Time to Time think necessary and proper, specifying the Extent and Limits of each Consulate—that thereupon Commissions be issued by Congress to such or so many of the Persons, so to be by him nominated, as Congress may judge expedient; or to others whom Congress may prefer.

That it should be in the Power of the Consul General, to suspend for good Cause, any Consul within his District, to report the same to Congress, and to appoint another to supply his Place, until their Pleasure shall be made known to him on the subject.

Your Secretary thinks that when Peace with the piratical States is Established, and the American Trade in the Mediterranean, shall become more extensive than it now is, it will be proper to appoint at least one Consul General for the Mediterranean, but that for the present, it should be annexed to Portugal, because the Communication between those Ports, and Lisbon, is more easy and expeditious than with Madrid. The same Remark will also apply to the northern Powers and Germany.

As Appeals should lay from Consuls to the Consul General, the latter should be independent and unconcerned in Trade, and consequently, receive an adequate Salary, and although it would be better that Consuls should be maintained and restrained in like manner, yet as the Expense would be enormous, it will be necessary to permit them to trade and receive no Salaries.

Five Consuls General appear to your Secretary to be indispensable and as the Amount of their Salaries cannot well be less than 5000 Sterling a year; he takes the Liberty of submitting to the Consideration of Congress whether it would not be advisable to invest their resident Ministers with consular Powers, and maintain Consuls General, in such States only where they may be thought indispensable, but to which the United States may not Judge it necessary to Send a Minister.

He also thinks that it would be useful to consider and determine whether Consuls General and Consuls should be permitted to receive any Fees.

If these Ideas should meet with the Approbation of Congress the Difficulty of ascertaining the number of Ports to which Consuls ought to be sent will be removed. As that Difficulty arises from the Necessity of previous and accurate information respecting the Extent and Degree of our Trade to those different Ports, it will not be easy to avoid Mistakes on that Subject. But if that Matter is referred to the Consul General of a certain District, he cannot be much embarrassed in deciding whether a Consul be necessary at this or that Port within it.

Indeed it appears probable to your Secretary, that in the Course of a few Years Consuls will be necessary at Ports to which there would be no Use in sending any at present.

There are certainly some Ports at which there should now be Consuls and they may easily be enumerated—If therefore the Plan above proposed should not be thought advisable, your Secretary on this Report's being referred back to him, will immediately proceed to enumerate them.

All which is submitted to the Wisdom of Congress.

JOHN JAY.[1]

Ordered, That Monday next be assigned for the consideration of the said report.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 385. According to indorsement it was read September 20 and "Monday Sept. 26, 1785, assigned for consideration."

[2] On this day, according to indorsement and Committee Book No. 190, was read a letter from the Board of Treasury forwarding a memorial from Mons. Chavallie fils, dated September 13, 1785, praying payment on a bill of exchange drawn by General Lincoln. It was referred back to the Board of Treasury to

WEDNESDAY, SEPTEMBER 21, 1785.

Congress assembled. Present as yesterday.

The order of the day being called for, to elect two Commissioners to negotiate with the western Indians, in the room of Arthur Lee, esq[r] elected a commissioner of the board of treasury, and of Benjamin Lincoln, esquire who has resigned.

Congress proceeded to the election, and the Ballots being taken, Samuel Holden Parsons was elected, having been previously nominated by Mr. [William Samuel] Johnson.

Ordered, That the election of another Commissioner be postponed.

Congress resumed the consideration of the letter of the 24 December, 1784, from the governor of Connecticut, stating claims of settlers at Wyoming, with a copy of a memorial of sundry inhabitants at Wyoming, and a copy of the proceedings of the legislature of Connecticut relative thereto, which was the subject of debate on Monday and Tuesday.

And a motion having been made by the State of Pennsylvania, in the words following:

report and the report acted on September 22. The letter is in No. 140, I, folio 35, and the memorial in No. 41, II, folio 212.

Also, according to Committee Book No. 190, the committee of August 5, on Jonathan Trumbull's memorial, was this day discharged and the matter referred to the Board of Treasury, which reported November 30.

Also, according to indorsement and Committee Book No. 190, was read a letter from the Secretary for Foreign Affairs, dated September 19, forwarding a letter of July 9, 1785, from Thomas Barclay with sundry accounts of Dr. Benjamin Franklin, Mr. John Bondfield and Mr. Ferdinand Grand, settled by him. The matter was referred to the Board of Treasury to report. Jay's letter is in No. 80, I, folio 397.

Also was read a letter from the Secretary for Foreign Affairs, dated September 19, quoting an extract from a letter of W. T. Franklin announcing the signing of the commercial treaty with Prussia. It is in No. 80, I, folio 393.

Also, according to Committee Book No. 190, the report of William Barber on the claim of Timothy Divine, was this day referred to the Board of Treasury which reported September 22.

Are the proceedings on the first application of the persons alleged to be settlers at Wyoming continued and in force, notwithstanding the non-appearance of the applicants on the 28 June, 1784, and the recess of Congress, and the committee of the states, at that time?[1]

A motion was made by Mr. [Rufus] King, seconded by Mr. [William Samuel] Johnson, to postpone that motion, in order to take up the following:

Whereas on the fourth Monday of June, 1784, being the day assigned for the appearance of the parties under the act of Congress of the 23 January, 1784, upon the petition of Zebulon Butler and others, claiming under the state of Connecticut, private right of soil within the jurisdiction of the state of Pennsylvania, Congress were then in recess, and a quorum of the Committee of the States did not assemble, *Resolved*, That farther day be given to the parties, and that the Monday of be assigned for the appearance of the parties by their lawful agents, before Congress, wheresoever they shall be then sitting; or if Congress shall not on that day be in session, then on the day of their session next following the said Monday of that notice of the assignment of the said day, be given to the parties in the following form.[2]

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [James] Wilson,

[1] This motion, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 36, III, folio 165.

[2] This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 163. The date assigned for consideration is given in the draft as the fourth Monday of November next. The votes on this and the succeeding questions, this day, are entered on folio 165.

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Wilson,	no	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Grayson,	no	*
South Carolina,		
Mr. Bull,	ay	ay
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay [2]
Baldwin,	ay	

So it was resolved in the affirmative.

After debate, the motion before the house was withdrawn by the mover, and a motion was made by Mr. [Melancton] Smith, seconded by Mr. [Charles] Pettit as follows:

Whereas the petition of Zebulon Butler and others, claiming private right of soil under the State of Connecticut, and within the jurisdiction of the commonwealth of Pennsylvania, doth not describe with sufficient certainty, the tract of Land claimed by the said Zebulon Butler and others, nor particularly name the private adverse claim, under grants from the commonwealth of Pennsylvania; *Resolved*, That the resolutions of Congress of the 23d day of January, 1784, relative to the claim of Zebulon Butler and others, be, and hereby are repealed.[1]

[1] This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 161.

A motion was made by Mr. [Jacob] Read, seconded by Mr. [William] Grayson, to postpone that motion, in order to take up the following:

Whereas the United States in Congress assembled, on the 23d day of January, 1784, on the petition of Zebulon Butler and others, claiming under the state of Connecticut, private right of soil within the territory westward of the Delaware, formerly in controversy between the said state and that of Pennsylvania, and lately determined by a court constituted and appointed agreeably to the ninth of the Articles of confederation and perpetual Union, to be within the jurisdiction of the state of Pennsylvania, complaining that they are disturbed in their right, by others claiming under the said state of Pennsylvania, and praying that a court may be instituted under the ninth article of the Confederation for determining the said right. "*Resolved*, That a court be instituted according to the said ninth article of the Confederation for determining the private right of soil within the said territory, so far as the same is by the said articles submitted to the determination of such a court. That the fourth Monday in June next be assigned for the appearance of the parties by their lawful agents, before Congress, or the Committee of the States, wheresoever they shall then be sitting." And whereas on the said fourth Monday in June, Congress was not in session, and a sufficient number of the Committee of the States, appointed by Congress on the 29 day of May, 1784, did not assemble on the said fourth Monday in June; and whereas it does not appear to the United States in Congress assembled, that on the said fourth Monday in June, 1784, either the parties petitioning, or the claimants of the private right of soil under the State of Pennsylvania, did appear at the city of Annapolis, to prosecute or defend their respective rights; therefore, *Resolved*, That the force of the said recited resolution of the 23d January, 1784, is deter-

mined, and that the same resolution ought not to be considered at the present day, as having any validity or effect.[1]

And on the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [James] Wilson,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Holten,	no	no
King,	no	
Rhode Island,		
Mr. Ellery,	no	*
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Wilson,	ay	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. Hindman,	no	*
Virginia,		
Mr. Grayson,	ay	*
South Carolina,		
Mr. Read,	ay	ay
Bull,	ay	
Pinckney,	no	
Kean,	ay	
Georgia,		
Mr. Houstoun,	no	no
Habersham,	no	
Baldwin,	no	

So it passed in the negative.

A motion was then made by Mr. [Charles] Pinckney, seconded by Mr. [William Samuel] Johnson, to postpone the consideration of the motion before the house, in order to take into consideration the motion moved by Mr. [Rufus] King, as before recited, and which was withdrawn.

[1] This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, III, folio 167.

And on the question to postpone for the purpose mentioned, the yeas and nays being required by Mr. [James] Wilson,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Holten,	ay	div.
King,	no	
Rhode Island,		
Mr. Ellery,	ay*	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Wilson,	no	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Grayson,	no*	
South Carolina,		
Mr. Read,	no	no
Bull,	no	
Pinckney,	ay	
Kean,	no	
Georgia,		
Mr. Houstoun,	no	no
Habersham,	no	
Baldwin,	no	

So it passed in the negative.

On the question to agree to the motion before the house, the yeas and nays being required by Mr. [James] Wilson,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Holten,	ay	ay
King,	ay	
Rhode Island,		
Mr. Ellery,	no*	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Haring,	ay	ay
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	

Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Wilson,	ay	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
South Carolina,		
Mr. Read,	ay	ay
Bull,	ay	
Pinckney,	no	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So it was resolved in the affirmative as follows:

Whereas the petition of [1]Zebulon Butler and others, claiming private right of Soil under the State of Connecticut, and within the jurisdiction of the Commonwealth of Pennsylvania, doth not describe with sufficient certainty, the tract of Land claimed by the said Zebulon Butler and others, nor particularly name the private adverse claims under grants from the Commonwealth of Pennsylvania:

Resolved, That the resolutions of Congress of the 23d day of January, 1784, relative to the claim of Zebulon Butler and others, be, and hereby are repealed.[2]

[3]THURSDAY, SEPTEMBER 22, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina and Georgia.

[1] At this point Roger Alden begins the entry in the Journal.

[2] Also on this day, according to indorsement, was read the report of the Secretary for Foreign Affairs, dated September 20, submitting drafts of letters to Count Florida Blanca and Count Galvez. The drafts were referred back to the Secretary to take order. They, with the reference order, are entered in full in Resolve Book No. 123, under this date. Jay's original report is in No. 81, I, folio 393.

[3] At this point Thomson resumes the entries in the Journal.

On a report from the board of treasury, to whom was referred a memorial of Mr. Chevalie, praying payment of a certain bill of exchange drawn in behalf of the United States, by the late major general Lincoln,

That it would be inconsistent with the principles of justice to make any distinction in the payment of the said bills on account of the character or circumstances of the person to whom they may be transferred;

They therefore submit to Congress the following resolve:

Resolved, That Mons. Chevalie, be referred to the general provision made by the resolve of Congress of the 23 July, 1781, for the liquidation of the bills drawn by major general Lincoln, and accepted by the board of treasury in pursuance of the resolves of Congress of the 23 March, and 6th July, 1780.[1]

On a report of the board of treasury, to whom was referred a report of William Barber, commissioner of Accounts for the State of New York, on the claims of Timothy Divine, a refugee from Canada,

Resolved, That the damages done by the british troops or their adherents, in Canada, during the late war, to the subjects of that province, charged with an attachment to the American cause, cannot be compensated by the United States.

That the register of the treasury be directed to issue his certificate to Timothy Divine, for one thousand two hundred and twenty-nine dollars and 78/90^{ths} and that the same be compensation in full to the said Timothy Divine, for all his claims against the United States.[2]

[1] This report, dated September 21, is in the *Papers of the Continental Congress*, No. 138, I, folio 219. According to Committee Book No. 191 it was read this day.

[2] This report, dated September 21, is in the *Papers of the Continental Congress*, No. 138, I, folio 283. The letter transmitting the report included also the report on the memorial of Chevalie fils, is dated September 22 and is in No. 140, I, folio 43.

OFFICE FOR FOREIGN AFFAIRS,
20th Septemr 1785.

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter of the 12th July last, from Mr Jefferson, with several Papers which accompanied it, relative to the case of John Jackson an english Pilot taken by Chevalier Jones, and who lost his Arm in the Action with the *Seraphis*,

I have the Honor to be with great Respect and Esteem Your Excellency's Most obt & very h'ble Servt

JOHN JAY.[1]

His Excellency
The PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS,
19th September, 1785.

SIR: A few Days ago I had a visit from the Baron de Beelen Bertholff who stiled himself "Counsellor of Commerce and Navigation for the States of his Imperial Majesty." The Object of his Visit is explained in the Paper herewith enclosed.

There are several States with whom we have no Treaties, who subject us to no higher Duties than are exacted from Nations with whom they have commercial Treaties. There is Reason therefore to apprehend that if the Discrimination proposed to the Legislature of South Carolina should be adopted, it will be retaliated by all the foreign States who may be affected by it.

I have the Honor etc.

JOHN JAY.[2]

His Excellency
The PRESIDENT OF CONGRESS.

[1] This letter is in the *Papers of the Continental Congress*, No. 80, I, folio 405. According to No. 180, *Reports of the Secretary of Congress*, Thomson reported September 22 that these letters and papers be referred to a committee. They were so referred to Mr [David] Howell, Mr [Pierse] Long, Mr [John] Kean, who reported September 28: "See letter May 2d 1788 read from Secy at War relating to the same subject with copies of letters from Mr Jefferson. March 30th 1790, transmitted the papers & letter—Sept. 23d 1784 from J. P. Jones. do July 12th '85. Mr Jefferson, to the Office f. forn Affairs." Jefferson's letter is in No. 87, I, folio 13; the accompanying papers are on folios 17–23.

[2] This letter is in the *Papers of the Continental Congress*, No. 80, I, folio 401. According to indorsement it was this day referred to Mr [Elbridge] Gerry, Mr [William Samuel] Johnson, Mr [Charles] Pettit, Mr [William] Grayson and Mr

Congress resumed the consideration of the requisition for 1785, and the following paragraph being under debate:

Federal buildings in part of the sum appropriated to that use by the resolution of the 20th December, 1784, 30,000.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [David] Howell, to strike out the words, "in part of," and to change 30 into 100; so that it read Federal buildings, the sum appropriated to that use by the resolution of 20 December, 1784, 100,000.

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	no	div.
Howell,	ay	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	ay	
Wilson,	no	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Hardy,	no	no
Grayson,	no	
South Carolina,		
Mr. Pinckney,	no	no
Kean,	no	
Georgia,		
Mr. Houstoun,	no	no
Habersham	no	
Baldwin,	no	

So it passed in the negative.

[William] Ellery and "returned without a report Oct. 20." Roger Alden has noted: "transmitted to the Office f. f. Affairs, June 19th 1788—to be filed." The proceedings of September 22 are also entered in the *Reports of the Secretary of Congress* No. 180.

A motion was made by Mr. [Samuel] Hardy, seconded by Mr. [James] McHenry, to strike out the paragraph: And on the question, shall the paragraph stand part of this requisition? the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	no	div.
Howell,	ay	
Connecticut,		
Mr. Cook,	no	div.
Johnson,	ay	
New York,		
Mr. Haring,	no	div.
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	ay	div.
Jackson,	no	
Pettit,	ay	
Wilson,	no	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Hardy,	no	no
Grayson,	no	
South Carolina,		
Mr. Read,	no	no
Bull,	ay	
Pinckney,	no	
Kean,	no	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	no	

So the question was lost, and the paragraph was struck out.[1]

OFFICE OF SECRETARY OF CONGRESS,
Sept. 22, 1785.

Agreeably to Order, the Secretary of Congress reports the following draught of a Commission to G. R. Clarke, R. Butler, R. Howe &

[1] On this day, according to indorsement and Committee Book No. 191, was read a letter from Oliver Pollock, dated September 22, relating to his petition before Congress. It is in No. 50, folio 507.

S. H. Parsons, the present com^rs^ for negotiating with the Indians in the Northern and Middle department.

The United States in Congress assembled to all who shall see these presents send Greeting:

Whereas we have judged it proper that one or more convention or conventions be held with the Indians residing within the boundaries of the United States of America in the Northern and Middle departments comprehending the whole of the Indians known by the name of the six Nations and all other Indians to the northward and westward of them and as far south as the Cherokees exclusive for the purposes of receiving them into the favour and protection of the United States and of establishing boundary lines of property for separating and dividing the settlements of the citizens of the United States of America from the Indian Villages and hunting grounds and thereby extinguishing as far as possible all occasion of future animosities disquiet and vexation and whereas by our letters patent bearing date the twenty sixth day of April in the year of our Lord one thousand seven hundred and eighty four we nominated, constituted and appointed our trusty and beloved George Rogers Clarke, Oliver Wolcott, Richard Butler, Philip Schuyler, Benjamin Lincoln and Arthur Lee our Commissioners, giving and granting to them or to any three or more of them full power and authority, for us and in our name, to confer, treat, agree and conclude with the said Indians or with any Nation or tribe of Indians within the boundaries of the United States of America or bordering thereon in the Northern and Middle departments aforesaid; and whereas Oliver Wolcott, Philip Schuyler and Benjamin Lincoln have resigned their appointments and Arthur Lee has been by us elected a commissioner of our Board of Treasury; Now therefore know ye, that we have revoked and by these presents do revoke all power and Authority given and granted by our Letters patent aforesaid to the said Oliver Wolcott, Philip Schuyler, Benjamin Lincoln and Arthur Lee, and reposing special trust and confidence in the integrity prudence and ability of our trusty and well beloved Robert Howe and Samuel Holden Parsons have nominated, constituted and appointed them the said Robert Howe and Samuel Holden Parsons our commissioners. And we do by these presents nominate, constitute and appoint the said George Rogers Clarke, Richard Butler, Robert Howe and Samuel Holden Parsons our Commissioners, giving

and granting to them the said George Rogers Clarke, Richard Butler, Robert Howe and Samuel Holden Parsons or to any two or more of them full power and authority for us and in our name to confer, treat, agree and conclude with the said Indians or with any nation or tribe of Indians within the boundaries of the United States or bordering thereon in the northern and middle departments aforesaid of and concerning the establishment of peace with the said Indians, the extinguishing their claims and settling boundaries between them and the Citizens of the United States in as ample form and with the same effect as if we were personally present and acted therein, hereby promising to hold valid and to fulfil and execute whatever shall be agreed upon, concluded and signed by our said Commissioners or any two or more of them.

In Testimony whereof we have caused the Seal of the United States of America to be hereunto affixed. Witness his Excellency Richard Henry Lee, President of the United States in Congress assembled this twenty second day of Septr in the year of our Lord one thousand seven hundred and eighty five and of our Sovereignty and Independence the Tenth.[1]

Agreed to Sept. 22, 1785. R. H. LEE, P.

[1] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 180, *Reports of the Secretary of Congress*; in draft form, in the writing of Thomson and Roger Alden, it is in No. 30, folio 291.

SEPTEMBER 22: The following committees were appointed: Mr. [Elbridge] Gerry, Mr. [William Samuel] Johnson, Mr. [Charles] Pettit, Mr. [William] Grayson and Mr. [William] Ellery, on letter of June 26, 1785, from "John Adams: his interview wth the Queen of England: the views of B: respect^g the treaty of Commerce and the line of Conduct that ought to be adopted by America." Adams' letter is in No. 84, V, folio 526.

Mr. [William Samuel] Johnson, Mr. [Melancton] Smith and Mr. [Gunning] Bedford, on a memorial of John Franklin, Ebenezer Johnson, Phineas Pierce and Lord Butler "of the dismission of their petition before Congress." This petition dated September 22 is in No. 41, III, folio 326. See *ante*, September 19.

Also a "Letter 21st Sept^r, 1785, Timothy Pickering with a letter from Ralph Pomeroy, late Dep^y Q. M. for Connecticut, of settling his accounts" was referred to the Board of Treasury to report. See *post*, September 26. Pickering's letter is in No. 78, XVIII, folio 583, Pomeroy's is on folio 587.

Committee Book No. 190.

FRIDAY, SEPTEMBER 23, 1785.

Congress assembled. Present as yesterday.

On application of Mr. W. Livingston, one of the Commissioners of the board of treasury, for leave of absence for fifteen days,[1]

Ordered, That leave be granted to him accordingly.

Congress resumed the consideration of the requisition for 1785; and the following paragraph being under debate, viz.

As more than two thirds of the sum called for, is to be applied to the payment of interest on the domestic debt; the Committee are of opinion, that the several legislatures may so model the collection of the sums called for, that one third of any sum being paid in actual money, the other two thirds may be discharged by the interest due upon loan office certificates, and upon other certificates of the liquidated debts of the United States; and to ascertain the evidences of interest due upon loan office certificates, the holders thereof respectively shall be at liberty to carry them to the office from which they issued, and the holders of other certificates of liquidated debts of the United States, to carry the same to the loan office of that state, wherein they are inhabitants, or, if a foreigner, to any loan office within the United States, and to have the interest due thereon, settled and certified to the last day of the year 1784.

A motion having been made by Mr. [Elbridge] Gerry, seconded by Mr. [John] Kean, to amend, by inserting the words, "from the last day of the year 1782," immediately after the words, "settled and certified." And the amendment being negatived, a motion was made by Mr. [Rufus] King, seconded by Mr. [Elbridge] Gerry, to reconsider the vote, in order to admit the proposed amendment.

And on the question to reconsider for the purpose above mentioned, the yeas and nays being required by Mr. [Elbridge] Gerry,

[1] Livingston's letter is in the *Papers of the Continental Congress,* No. 140, II, folio 99.

New Hampshire,		
Mr. Foster,	ay	div.
Long,	no	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	ay	div.
Johnson,	no	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Jackson,	no	no
Pettit,	no	
Wilson,	no	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Hardy,	no	no
Grayson,	no	
South Carolina,		
Mr. Read,	ay	ay
Pinckney,	no	
Kean,	ay	
Georgia,		
Mr. Houstoun,	no	no
Habersham,	no	
Baldwin,	ay	

So it passed in the negative.

A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [William] Grayson, to amend the paragraph by striking out the words "more than two thirds," and in lieu thereof inserting, "a considerable part," and changing "one third" into "two thirds," and "two thirds" into "one third."

Whereas, several of the states in the union having large demands against the U. S. have not from the particular circumstances of their situation arising as well from the assumptions of the said states of debts due from the U. S. to individuals as from the want of Com^s^ to settle their accounts been enabled to liquidate and adjust their accounts, and until such settlements arc made, certificates and evidences of the sums due bearing interest cannot be obtained. As the paragraph now under debate is intended to enable the legislatures of the different States, so to model their taxes as to allow two thirds of the present requisition to be paid by discount of interest with the domestic creditor which will tend to create a very great difference between the states that have been able to adjust their demands and those whose peculiar and distressed situations have hitherto pre-

vented such settlement. And as it would be highly impolitic at this time to make a requisition upon principles so ~~unequal,~~ ~~Resolved~~ that the words "as more than two thirds" in the first line of the said paragraph be struck out and the words "a considerable part," be inserted in lieu of them, and the words "one third" in the third line and "two thirds" in the ~~fourth~~ same line be also struck out and "two thirds" and "one third" inserted in their places respectively so as to read That the several Legislatures be allowed so to model the collections of the sums called for, that two thirds of any sum being paid in actual money, the other one third may be discharged by discount of interest with the domestic creditors.[1]

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Charles] Pinckney,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Haring,	no	
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	ay	div.
Hindman,	no	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	ay	ay
Pinckney,	ay	
Kean,	no	
Georgia,		
Mr. Houstoun,	ay	no
Habersham,	no	
Baldwin,	no	

So it passed in the negative.

[1] This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress,* No. 36, III, folio 131. It is dated as of September and appears to have been made on this or an approximate date.

A motion was then made by Mr. [James] McHenry, seconded by Mr. [Samuel] Hardy, to amend by changing "one third" into "three fourths," and "two thirds" into "one fourth."

And on the question to agree to this Amendment, the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	ay	div.
Hindman,	no	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	ay	ay
Pinckney,	ay	
Kean,	no	
Georgia,		
Mr. Houstoun,	ay	no
Habersham,	no	
Baldwin,	no	

So it passed in the negative.

A motion was then made by Mr. [James] McHenry, seconded by Mr. [Samuel] Hardy, to amend the paragraph, by changing "one third" into "one half," and "two thirds" into "half."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	ay	ay
Pinckney,	ay	
Kean,	no	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	no	

So it passed in the negative.[1]

That the Secretary at War report to Congress an estimate of the expences of the Invalid establishment under the resolutions of the 7th day of June last.[2]

[1] Also, according to indorsement and Committee Book No. 190, was read a letter, dated September 22, from the Secretary for Foreign Affairs, inclosing a letter from Ignace Palyart relating to commerce with Portugal, and draft of a proposed reply. Jay's letter and draft are in No. 80, I, folios 413–414. The matter was referred back to the Secretary for Foreign Affairs to take order. The proceeding is entered, with all the papers, in Resolve Book No. 123.

[2] This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 129. According to Committee Book No. 190, the matter was this day referred to the Secretary at War to report, which he did September 26.

SATURDAY, SEPTEMBER 24, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the State of Delaware, Mr. [Gunning] Bedford.

Congress resumed the consideration of the requisition of 1785, which being amended to read as follows:

The grand committee, to whom was re-committed a report on the subject of supplies for the year 1785, submit the following report:

Resolved, That for the services of the present year, 1785, for the payment of one year's interest on the foreign and domestic debt, and as a provision to discharge the balance of the estimate of April 27th, 1784, above the sum called for by the resolve of Congress of that date, it will be necessary that 3,000,000 of dollars, in addition to 649,880[1] dollars hereafter provided for, be paid into the common treasury, on or before the day of next, to be appropriated to the following purposes:

	Dollars	
Civil department	122, 331	
Military department	187, 224. 32	
Purchases of Indian rights of soil, and the incidental expenses	5, 000	
Contingencies, the expenses under which head shall, on the 1st of January annually, be transmitted by the board of treasury, to the legislature of each state	90, 000	
		404, 555. 32

[1] The broadside, pasted in the Journal in lieu of copying out the text of the report, is one of the issues of the report of July 18, and is modified by Thomson with pen and ink. He failed, however, to make the proper change of this amount and in the broadside it still remains 708,452.

FOREIGN DEBT

	Dollars	
10,000,000 livres loaned in Holland and guaranteed by France, one year's interest thereon	74, 074	
24,000,000 ditto, public French loan, one year's interest thereon	222, 222. 20	
174,000 dollars, Spanish loan, one year's interest thereon	8, 700	
5,000,000 florins, first Dutch loan, one year's interest thereon	96, 527. 5	
2,000,000 ditto, second Dutch loan, one year's interest thereon at 4 per cent	30, 888. 88	
846,710 livres to the farmers general of France, one year's interest thereon	7, 840	
		440, 252. 58
DOMESTIC DEBT		
Liquidated:		
10,517,380.6 dollars, one year's interest thereon		631, 042. 6
Loan-office debt:		
3,778,900 dollars issued to the 1st September 1777, equal to specie, one year's interest thereon	226, 734	
3,459,200 dollars issued between 1st September 1777, and 1st March, 1778, which sum is subject to liquidation by the scale, but the interest is payable on the nominal sum, one year's interest thereon	207, 540	
5,146,330.8 dollars, specie value of uncancelled loan-office certificates, issued after the 1st of March, 1778, one year's interest thereon	308, 780. 6	
		743, 054. 6
4,823,724 dollars estimated amount of certificates issued and to be issued to the lines of Maryland, Virginia, North Carolina, South Carolina and Georgia, one year's interest thereon		289, 423. 4
1,141,551.5 dollars, balance of the estimate of the 27th of April, 1784, above the sum called for by the resolution of Congress of that date		1, 141, 551. 5
Total estimate		3, 649, 880
Deduction		649, 880
Balance to be called for		3, 000, 000

Deduct for part of the Dutch loan, applied towards a discharge of the last year's estimate, and which the sums required from the states last year will replace; and for loans now in the hands of the Dutch commissioners, and hereby appropriated for the purposes of this

estimate, 649,880 dollars, and there remains the balance of 3,000,000 of dollars, to be paid into the common treasury.

The committee find that, for reasons stated in the resolve of Congress, of the 27th April, 1784, there yet remains a moiety of the requisition for 8,000,000 of dollars, and the whole of the requisition for 2,000,000 of dollars, to be applied to the use of the United States, before any new requisition ought to be made: They are therefore of opinion, that the states be called upon to make actual payment of three quarters of the remaining moiety aforesaid, on or before the day of aforesaid.

That the committee have not been able to obtain information how many states have complied with the resolution of February 17th, or that of April 18th, 1783, relative to a rule for adjusting the quotas of the several states in federal requisitions: They are therefore of opinion, that the several states which have not decided on that subject, be again solicited to come to a decision thereon, and to send forward the same, as a measure necessary to enable Congress to effect a settlement of accounts with the several states, and to apportion to each a just quota of the public expenses; but, in the meantime, as the public faith renders it the duty of Congress to continue their annual demand for money, the committee are of opinion, that in the apportionment thereof, the quotas of the several states should be adjusted, agreeably to the best information Congress may, from time to time, have obtained upon the subject. And, upon this principle, recommend to Congress, that in the present requisition for 3,000,000 of dollars, the quota of the several states be as follows, viz.

	Dollars		Dollars
New Hampshire	105, 416	Delaware	44, 886
Massachusetts	448, 854	Maryland	283, 034
Rhode Island and Province Plantations	64, 636	Virginia	512, 974
Connecticut	264, 182	North Carolina	218, 012
New York	256, 486	South Carolina	192, 366
New Jersey	166, 716	Georgia	32, 060
Pennsylvania	410, 378		3, 000, 000

And for preventing the depreciation of certificates to be issued as aforesaid, the legislature of each state is required to provide in the act complying with this requisition, that if on the day of the said states quota of the said certificates so to be issued,

shall not be in the hands of the state treasurer, or other proper officer, the deficiency shall be collected and paid into the continental treasury in specie, which, when so paid, is hereby appropriated to the redemption of such surplus certificates.

Provided nevertheless, that any state which shall have obtained a credit in the books of the treasury, for the full payment of its quota of this requisition, shall, at any time after such payment shall have been completed, be admitted to pay into the treasury of the United States, any sum or sums in the said certificates to be issued for interest as aforesaid, and have credit for the same, to be deducted out of the whole quota of such state, of the next succeeding requisition; provided that such sum or sums do not exceed one-half of the said quota.

That the commissioners of the board of treasury cause to be made a bank-paper, and thereon to be struck the blank form of a certificate, which shall evidence the interest due as aforesaid, and shall transmit to the several loan-officers, a sufficient number of the same. That the said commissioners furnish the several loan-officers, with such checks and instructions, as they, from time to time, shall judge necessary, to prevent counterfeited certificates of debts from obtaining a settlement of interest, and to the receivers of federal taxes, such checks and instructions as may enable them to detect counterfeit evidences of interest, and thereby to avoid receiving them in discharge of taxes, which certificates of interest being parted with by the holders of the principal, shall be deemed evidence that he has received satisfaction for the same, and therefore shall be receivable from the bearer in lieu of money in the proportion aforesaid, in any other state in the union, as well as in the state in which they were issued. That the state receiving such certificates and paying the same into the public treasury, shall have credit therefor in the proportion aforesaid; which payment shall be considered as a discharge of the interest due on the domestic debt, in the proportion that each state avails itself of the said certificates of interest. And where loan-office certificates issued after the first day of March, 1778, shall be presented to the loan-officer, they shall be reduced to their specie value, conformably to the resolutions of Congress of June 28th, 1780, that specie value expressed on some part of the certificate, and the interest thereon settled and certified as in other cases.

Which sums, when paid, shall be passed to the credit of the states respectively, on the terms prescribed by the resolution of Congress

of the 6th day of October, 1779, and together with the moneys relied on to discharge the aforesaid deduction of 649,880 dollars, be applied in conformity with the several appropriations in the preceding part of this report, giving preference according to the order in which they are stated in the estimate.

As more than two-thirds of the sum called for, is to be applied to the payment of interest on the domestic debt; the committee are of opinion, that the several legislatures may so model the collection of the sums called for, that one-third of any sum being paid in actual money, the other two-thirds may be discharged by the interest due upon loan-office certificates, and upon other certificates of the liquidated debts of the United States; and to ascertain the evidences of interest due upon loan-office certificates, the holders thereof respectively shall be at liberty to carry them to the office from which they issued, and the holders of other certificates of liquidated debts of the United States, to carry the same to the loan-office of that state, wherein they are inhabitants, or, if a foreigner, to any loan-office within the United States, and to have the interest due thereon, settled and certified to the last day of the year 1784.

Provided that the commissioner of the continental loan-office in any state, shall not, on any pretence whatever, settle or issue any certificate or certificates for the interest due on any continental loan-office certificate, or other certificate of liquidated debts aforesaid, unless as hereafter provided, until the state for which he is continental loan-officer, shall have passed a legislative act complying with this requisition; nor shall he issue any certificate, or take any other measure whereby the interest may be paid by the state in any mode not pointed out by this requisition; nor shall the commissioner of the continental loan-office in any state that shall have complied with this requisition, issue any certificate, or take any other measure whereby a discrimination may be made by such state, between the holders of loan-office certificates issued from his office, who are citizens of that state, and foreigners or the citizens of any other state that shall have complied with this requisition: Excepting from this proviso, such state or states as, by the books of the treasury, shall appear to have paid their full quota of the requisition of the 30th October, 1781, for 8,000,000 of dollars, upon the former and present apportionment of the same, so far as to admit the commissioner of the continental loan-office in such state or states, to issue certificates for interest, in the

same manner as the commissioner in the states passing legislative acts as aforesaid. Provided always, that any continental loan-officer shall issue certificates for interest as aforesaid, due on continental loan-office certificates issued from his office, and belonging to foreigners, and also to the citizens of such state as shall have passed a legislative act complying with this requisition as aforesaid.

Provided nevertheless, that where any state hath made provision by law, for paying any part of the interest of the domestic debt of the United States, contained in the estimate, on which this requisition is founded, the continental loan-officer in such state, shall, without delay, ascertain the sum which shall have been so paid, pursuant to such law, on or before the day of next, and shall make report thereof to the board of treasury, and also to the legislature of such state, who may deduct from their quota of this requisition, and be credited in part payment thereof, the sum so paid not exceeding two-thirds of such quota, every state being held to pay in specie one-third part of the said quota, previously to the admission of such credit. And if any state shall have so paid in discharge of interest as aforesaid, a sum exceeding two-thirds of its quota of this requisition, such surplus shall be admitted as a charge against the United States, in the settlement of the general account of such state; but if any interest after the said day of shall be paid by any state, contrary to the true intent of this requisition, such payment shall not be admitted as a charge against the United States. And if any commissioner of a continental loan-office, shall disobey or neglect to carry into execution, any resolution or order of Congress, or otherwise neglect his duty in the said office, the board of treasury shall suspend him from his office, and the emoluments thereof, and immediately report the reasons thereof to Congress; and the board of treasury are hereby empowered to appoint in the room of the commissioner of the continental loan-office so suspended, a citizen of the state in which the office is kept, who shall have all the powers and emoluments of a commissioner of the continental loan-office, until Congress shall finally determine respecting the suspension.

And every commissioner of the continental loan-office, previous to settling and issuing certificates as aforesaid, for the interest due on certificates of liquidated debts, shall administer an oath or affirmation, or require a certificate signed by one of the persons whom the respective state in the legislative act complying with this requisition shall

appoint, that he has administered to the owner or possessor of every such certificate, an oath or affirmation, that the same is *bona fide* the property of the particular state in which the said commissioner resides, or of a citizen or citizens of the said state, or of some corporate body or charitable institution within the same, or of some foreigner who is not a citizen of any of the United States, describing the certificate or certificates alluded to in every such oath or affirmation, in such manner as shall be necessary to identify the same, or as may be prescribed by the legislature of the said state.

The committee find that the revenue system of April 18th, 1783, hath been adopted in whole or in part, by eleven states; and being of opinion, that it is expedient for Congress still to rely on that plan, which has been so long under reference to the states, and which, after repeated consideration in successive Congresses, has been found preferable to any other system, and conceived necessary to the establishment of the public credit, the committee submit it to Congress, earnestly to recommend to such of the eleven states as have complied only in part, to adopt the same completely; and to the two other states, who have not adopted the plan either in whole or in part, to pass laws as soon as may be in conformity thereto.

The sum quotaed upon the states in the present demand, by providing for the deficiencies of former years, exceeds the sum the states were called on for during the last year; but the greater proportion of discount now admitted, will render it less impoverishing to the citizens.

As a motive for the cheerful payment of the sum now called for, as well as of the arrearages on that of April 27, 1784, the committee are of opinion, that the states be reminded, that Congress have passed an ordinance for the survey and sale of the western territory of the United States, and that the proceeds thereof will be applied as a sinking fund, to extinguish the principal of the domestic debt. Future requisitions for interest on the domestic debt, will therefore be reduced in proportion as this fund may be rendered productive. And while on this subject, the committee cannot forbear mentioning that of the states claiming western territory, Massachusetts alone has made the expected cession during the last year, they are therefore of opinion, that the subject be again presented to the attention of the states which have not complied with so reasonable a proposition; and that they be once more solicited to consider with candour and

liberality, the expectations of their sister states, and the earnest and repeated applications made to them by Congress on this subject.[1]

A motion was made by the State of Virginia, seconded by the State of South Carolina, that the further consideration of the requisition be postponed, in order to take up the following proposition:

That where supplies have been furnished by individuals, for the use of the army of the United States, and have been assumed by any state, the commissioner for settling the accounts of such state with the United States, shall be authorised and instructed to liquidate such claims, upon the same principles as though they had remained in the hands of the individuals. and admit them as a charge against the United States.

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Samuel] Hardy,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	ay	div.
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jerse		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Delaware,		
Mr. Bedford,	ay	*
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	

[1] This report, in the form of a broadside issue of the report of July 18, with ms. changes by Thomson to bring it into agreement with the action taken by Congress, has been pasted into the Journal in lieu of copying out the text.

South Carolina,			*Georgia,*		
Mr. Read,	ay	ay	Mr. Houstoun,	ay	ay [1]
Pinckney,	ay		Habersham,	ay	
Kean,	ay		Baldwin,	ay	

So the question was lost.

The Board of Treasury to whom was Referred the Petition of Lewis Nichola and Richard Lloyd Agents to the Invalid Corps, and Hazens Regiment in behalf of themselves and the Agents of Armands Corps the Regiment of Artificers and the Corps of Sappers and Miners, beg leave to report—

That the Agents of these Corps ——— were appointed to settle the accounts and to receive and distribute the certificates of the final balances that were due to the Officers and Men that belonged to their respective Corps in consequence of the Orders of the late Commander in Chief.

That they have executed the duties of their appointments so far as to compleat the settlement, and receive the Securities of their respective Corps. And that some of them have accounted for the Issue of Certificates intrusted to them with the Commissioner of Army Accounts.

That the Act of Congress of the 27th May, 1785, has provided for the Agents of the Line appointed under the same Authority: but that no provision has been made for the Agents of the Corps not Appertaining to any State.

[1] This vote, except that it omits Houstoun's vote, is in the *Papers of the Continental Congress*, No. 36, III, folio 145.

On this day, as the indorsement states, was read a petition of Toussaint Lopez relative to his claim. It is in No. 42, IV, folio 360. Committee Book No. 191 states that it was filed.

Also, a letter of John Barry and Thomas Read enclosing a memorial. It is in No. 78, IV, folio 493. The memorial, on behalf of Barry and Read and their brother officers of the Navy, prays that they be put on the same footing as Army officers in the matter of half-pay, commutation and land bounties. It is in No. 41, I, folio 427, and was read in Congress September 28.

Also was read a report from Paymaster General John Pierce, dated September 23, on the depreciation of pay of Peter Bryan Bruen. It is No. 62, folio 95, and is indorsed as passed February 3, 1786.

Also, according to Committee Book No. 190, the motion of the Delegates of Pennsylvania relative to "officering the troops of that state raised under acts of April 1785" was referred to the Secretary at War to report, which he did, October 7.

That the duties of Regimental Agents necessarily engrossed for a considerable time their whole attention, and the receiving and keeping Regimental Certificates was confidential and hazardous.

The Board are therefore of opinion, that the petitioners are entitled to a reasonable allowance: but as the duties and services of the Agents referred to in the Memorial are very different, the compensation to be made, ought in their opinion, to be proportioned to their respective services, on the final settlement of their accounts.

They therefore submit to the consideration of Congress the following Resolves.

Resolved, That when the Agents appointed to issue certificates for the balances due to the Corps' of the late Continental Army (not appertaining to any State) shall have finally adjusted the accounts of their respective Corps with the Commissioner of Army Accounts, the Board of Treasury be authorized to ascertain and report to Congress such compensation, as from the report of the said Commissioner, they shall judge proportionate to the service of the respective Agents.

Resolved, That the certificates which remain undelivered by the respective Agents abovementioned to the parties to whom they belong be ~~transmitted by the Commissioner of Army Accounts~~ [returned to the Commissioner of Army accounts with whom they are to settle the accounts of their Agency relative to the delivery] to the Supreme Executive Authority of the State in which the parties having a right to claim the same were enlisted, in the same manner as is provided for by the Resolves of Congress of the 3rd November, 1783, and 27th May, 1785, in the case of regiments appertaining to the several States.

SEPTEMBER 22nd, 1785.

[That the certificates which remain undelivered by the respective Agents, above mentioned to the individuals to whom they belong be returned to the Commissioner of Army Accounts with whom the said Agents are to settle the accounts of their Agency relative to the deliveries made to the individuals aforesaid; And the Commissioner for Army accounts shall transmit such remaining certificates to][1]

[1] This report, signed by Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress,* No. 138, II, folio 189. The portions in brackets are interpolations by Charles Thomson. The indorsement states that this report was read September 24 and passed October 11. The petition is in No. 42, V, folio 443. Committee Book No. 191 notes that the report was transferred. See *ante,* August 16, also *post,* October 28.

OFFICE FOR FOREIGN AFFAIRS,
22d September, 1785.

The Secretary of the United States for the Department of foreign Affairs, to whom were referred certain official Papers delivered to Congress by the Delegates of Massachusetts on the 19th Inst. relative to attempts of the Province of New Brunswick to extend their Jurisdiction to Moose Island, &c., reports—

That in his Opinion the Advice given by the Council to his Excellency the Governor of Massachusetts on the 9th Instant was proper, and that as one unopposed Encroachment always paves the Way for another, the Commonwealth of Massachusetts be advised by Congress to proceed without *Noise* or *Delay* to garrison Such Places in their *actual* Possession as may be most exposed.

Your Secretary proposes by these Garrisons to support the Inhabitants in their Allegiance, and to overawe New Brunswick peace Officers, whom Impunity might tempt to be insolent and troublesome.

He thinks these Garrisons should not be so large as to give Alarm, that they should be under select and discreet Officers, that they should be formed by immediate Detachments from the Militia of some of the other Counties, to be at Continental Charge, and be, as soon as may be relieved by Detachments from the continental Troops raised or to be raised for the Frontiers. That they should be ordered never to pass our Limits, and to act only on the Defensive, when called upon to support the civil Authority.

However delicate this measure may appear, it may in the Opinion of your Secretary be safely confided to the Prudence of the Governor and Council of Massachusetts.

Nothing should be done to provoke Hostilities on the one Hand, and on the other it must be remembered, that too great and manifest Reluctance to assert our Rights by Arms, usually invites Insult and Offence. Your Secretary is very apprehensive that to permit these Disputes to remain unsettled will be to risque mutual Acts of Violence, which may embroil the two Nations in a War. He therefore takes the Liberty of calling the attention of Congress to a Report he had the honor of making to Congress on this subject the 21st April last.

Your Secretary thinks that no Nation can consistant with the Experience of all Ages, expect to enjoy Peace and Security any longer than they may continue prepared for War, and he cannot forbear expressing his Fears that the United States are not at present in that desirable Situation.

As the 11th Article of the Treaty of Alliance between his most Christian Majesty and the United States Contains an explicit and perpetual Guarantee of all the Possessions of the latter, your Secretary thinks it would be adviseable to apprize the Court of France of the Disputes in Question, that his Majesty may co-operate with the United States in measures proper to bring about a Settlement of them. In his Opinion these measures should be formed and pursued in Concert with France, and in such a manner as that she may have no just Cause to be dissatisfied, or to say that as we acted without her Concurrence, we alone are to be responsible for the Consequences.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

MONDAY, SEPTEMBER 26, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina and Georgia; and from the State of North Carolina, Mr. [William] Cumming.

The order of the day being called for by a state, to proceed in the consideration of the requisition for 1785,

A motion was made by the State of South Carolina, seconded by the State of Virginia, to postpone the order of the day, in order to take up the following proposition:

Whereas several of the states in the Union have, from the peculiar circumstances of their situation, been obliged to assume debts due from the United States to individuals, citizens of the said States, for supplies furnished the federal army, from the first day of January, 1780, in the settlement of which, doubts have arisen with the Commissioners of the United States, respecting the powers given them, under subsisting resolutions of Congress, to settle and adjust the said

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 397. It is indorsed as read this day and "Thursday next assigned for consideration. *Eastern* Boundary." A copy of a letter from Thomas Carleton, dated St. John, June 21, 1785, stating the British side of the matter is on folio 401. Committee Book No. 191 notes that the matter was transferred.

demands, upon the same principles as if they had remained in the hands of the individuals: And whereas it is just and reasonable, that the demands of a state, arising as aforesaid, from assumptions of debts due from the United States to individuals, for supplies furnished the federal army, should be liquidated and settled, upon the same principles as other demands against the Union; therefore *Resolved,* That where supplies have been furnished by individuals, for the use of the army of the United States, from the first day of January, 1780, and have been assumed by any state, the commissioner for settling the accounts of such a state with the United States, is hereby authorised and instructed, to liquidate such claims upon the same principles as though they had remained in the hands of the individuals, and admit them as a charge against the United States: provided that nothing contained in this resolution, shall be taken or construed to prejudice or affect the resolutions of February 25, and of the 1 June, 1780, or any other resolution allowing a state payment for supplies furnished the United States.

And on the question to postpone for the purpose afore mentioned, the yeas and nays being required by Mr. [Charles] Pinckney,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	ay	div.
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Lawrance,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	ay	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	

Maryland,			*South Carolina,*		
Mr. McHenry,	ay	ay	Mr. Read,	ay	ay
Hindman,	ay		Pinckney	ay	
Virginia,			Kean,	ay	
Mr. Hardy,	ay	ay	*Georgia,*		
Grayson,	ay		Mr. Houstoun,	ay	ay
North Carolina,			Habersham,	ay	
Mr. Cumming,	ay	*	Baldwin,	ay	

So it passed in the negative.

Congress proceeded in the consideration of the requisition, and the following paragraph being under debate:

"Provided nevertheless, that where any state hath made provision by law, for paying any part of the interest of the domestic debt of the United States, contained in the estimate on which this requisition is founded, the continental loan officer in such state, shall, without delay, ascertain the sum which shall have been so paid pursuant to such law, on or before the day of next, and shall make report thereof to the board of treasury, and also to the legislature of such state, who may deduct from their quota of this requisition, and be credited in part payment thereof, the sum so paid not exceeding two thirds of such quota, every state being held to pay in specie one third part of the said quota, previously to the admission of such credit. And if any state shall have so paid in discharge of interest as aforesaid, a sum exceeding two thirds of its quota of this requisition, such surplus shall be admitted as a charge against the United States, in the settlement of the general account of such state; but if any interest after the said day shall be paid by any state contrary to the true intent of this requisition, such payment shall not be admitted as a charge against the United States."

A motion was made by Mr. [James] McHenry, seconded by Mr. [David] Howell, to strike out these words, "But if any

interest after the said day of shall be paid by any state contrary to the true intent of this requisition, such payment shall not be admitted as a charge against the United States." And on the question, shall those words stand? the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	ay	div.
Howell,	no	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Lawrance,	ay	ay
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Jackson,	ay	ay
Pettit,	ay	
Delaware,		
Mr. Bedford,	no	*
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Hardy,	no	no
Grayson,	no	
North Carolina,		
Mr. Cumming,	no	*
South Carolina,		
Mr. Read,	ay	ay
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	no	ay
Habersham,	ay	
Baldwin,	ay	

So it was resolved in the affirmative.

A motion was then made by Mr. [Samuel] Hardy, seconded by Mr. [Charles] Pinckney, to strike out the whole above recited paragraph: And on the question, shall the paragraph stand? the yeas and nays being required by Mr. [Charles] Pinckney,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Lawrance,	ay	ay
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	no	no
Grayson,	no	
North Carolina,		
Mr. Cumming,	no	*
South Carolina,		
Mr. Read,	no	no
Pinckney,	no	
Kean,	no	
Georgia,		
Mr. Houstoun,	no	no
Habersham,	no	
Baldwin,	no	

So it was resolved in the affirmative.

The following paragraph being under debate, "And every commissioner of the continental loan Office, previous to settling and issuing certificates as aforesaid, for the interest due on certificates of liquidated debts, shall administer an oath or affirmation, or require a certificate signed by one of the persons whom the respective state in the legislative act complying with this requisition shall appoint, that he has administered to the owner or possessor of every such certificate, &c."

A motion was made by Mr. [James] McHenry, seconded by Mr. [William] Ellery, to strike out the words "Owner or,"

and after the word "certificate," to insert, "excepting where the certificate is produced by the original Owner."

And on the question to agree to this Amendment, the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Lawrance,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	no	
Pettit,	ay	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	ay	div.
Hindman,	no	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	no	no
Pinckney,	no	
Kean,	no	
Georgia,		
Mr. Habersham,	no	no
Baldwin,	no	

So it passed in the negative.

A motion was made by Mr. [James] McHenry,

After the words "certificates of liquidated debts," to insert "other than loan office certificates."

And on the question to agree to this Amendment, the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Foster,	ay	div.
Long,	no	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Lawrance,	ay	ay
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
South Carolina,		
Mr. Read,	ay	ay
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So it was resolved in the affirmative.

A motion was made by Mr. [William] Grayson, seconded by Mr. [Samuel] Hardy, in the paragraph, "Provided that the Commissioner of the continental loan Office in any State, shall not, on any pretence whatever, settle or issue any certificate or certificates for the interest due on any continental loan Office certificate, or other certificate of liquidated debts aforesaid, unless as hereafter provided, until the State, for which he is Continental loan officer, shall have passed a legislative act complying with this requisition, &c." After the word requisition to add, "And shall also have fully paid the requisition of the 27 day of April, 1784."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [William] Grayson,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Lawrance,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	no	no
Hindman,	no	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	ay	ay
Pinckney,	ay	
Kean,	no	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	no	
Baldwin,	ay	

So it passed in the negative.

The paragraph, Provided nevertheless, &c. being amended to read as follows:

Provided nevertheless, that any state which shall have obtained a credit in the books of the treasury for a full compliance with the requisition of the 4th of Sept. 1782, for 1,200,000 dollars, with the requisition of 27 April, 1784, for completing the payment of one half of the requisition of 30 of October, 1781, for 8 million dollars, and also with this requisition, shall at any time after such compliances, be admitted to pay into the treasury of the United States, any sum or sums in the said certificates to be issued for interest as aforesaid, and have credit for the same, to be deducted out of the quota of such state, of the next succeeding requisition;

provided that such sum or sums do not exceed one half of the said quota.

A motion was made by Mr. [Samuel] Hardy, seconded by Mr. [William] Grayson, that the paragraph be altered to read as follows:

Provided nevertheless, that as the state of South Carolina has complied with the requisition for eight million, and has thereby obtained a payment of its quota of this requisition, the said state shall be admitted to pay into the treasury of the United States, any sum or sums in the said certificates to be issued for interest as aforesaid, and have credit for the same, to be deducted out of the quota of such state, of the next succeeding requisition; provided that such sum do not exceed one-half of the said quota.

On the question to agree to this, the yeas and nays being required by Mr. [Samuel] Hardy,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Lawrance,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	no	
Delaware,		
Mr. Vining,	no	
Bedford,	no	
Maryland,		
Mr. McHenry,	ay	div.
Hindman,	no	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
South Carolina,		
Mr. Read,	ay	ay
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	no	
Baldwin,	ay	

So it passed in the negative.

A motion was then made by Mr. [Gunning] Bedford, seconded by Mr. [James] McHenry, to strike out the whole paragraph: And on the question, shall the paragraph as Amended, stand? the yeas and nays being required by Mr. [Gunning] Bedford,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Lawrance,	ay	ay
Smith,	ay	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	no	div.
Hindman,	ay	
Virginia,		
Mr. Hardy,	no	no
Grayson,	no	
South Carolina,		
Mr. Read,	ay	ay
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So it was resolved in the Affirmative.

The Board of Treasury to whom was referred the letters of Timothy Pickering and Ralph Pomeroy of the 21st Instant relative to the settlement of the accounts of the late Quarter Master General's Department, beg leave to Report—

That the Commissioner for settling the accounts of the Quarter Master General's Department, be authorized & directed to settle the whole accounts of Timothy Pickering late Quarter Master General,

and his respective Deputies; any thing in the Resolve of the 27th February, 1782, to the contrary notwithstanding.[1]

SEPTr 23d 1785.

The Committee consisting of Mr. [James] McHenry, Mr [Jacob] Read, and Mr [Charles] Pettit to whom were committed a motion of Mr. [James] McHenry beg leave to submit the following resolution.

Resolved, that it be and hereby is recommended to the several States to vest the U. S. in Congress assembled, with the sole and exclusive right and power of establishing and regulating post-offices throughout the U. S. and raising a revenue by exacting postage on the letters and papers passing thro the same, provided that the postage shall not exceed the following rates in pennyweights and grains of silver, estimating each pennyweight at ~~5 ninetieths of a dollar,~~ to wit: For any distance not exceeding sixty miles one pennyweight, eight grains; upwards of sixty and not exceeding one hundred, two pennyweight; upwards of one hundred and not exceeding two hundred, two pennyweight, sixteen grains; and so on sixteen grains advance for every hundred miles and for all single letters to and from Europe or any foreign country by packet or dispatch vessels, four pennyweight: the above rates to be doubled for double letters, trebled for treble letters and a packet weighing an ounce to be charged equal to four single letters, and in that proportion if of a greater weight: and to the foregoing rates of inland postage an additional sum not exceeding upon every letter packet or dispatch which shall come into this post office from beyond sea by any other conveyance than packets or dispatch vessels and which are to be forwarded; but for all such as are not to be forwarded, whether inland or ship letters a sum not exceeding

Provided also that the net proceeds of the revenue be applied in the first instance to the extinguishment of the post office debt and the establishment of such cross posts throughout and within the

[1] This report, signed by Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 269. According to the indorsement it was read this day and passed September 29.

On this day, according to the indorsement, was read a letter from the Secretary at War, dated September 24, reporting his inability to furnish returns of the Invalid Corps. It is in No. 150, I, folio 87. With it was submitted an "Estimate of one years pension for the Invalids in United States under the act of 7 June, 1785." It is in No. 151, folio 111.

several States and in the western country or new States, as the United States in Congress assembled may judge proper.

Provided also that the residue of the revenue be for ever appropriated for the maintenance of public packets or dispatch vessels, and the support of vessels of war for the protection of trade; provided nevertheless that no part of the said residue be applied without the consent of nine States in Congress assembled.[1]

TUESDAY, SEPTEMBER 27, 1785.

Congress assembled. Present as yesterday.

Congress resumed the consideration of the requisition for 1785, and the report of the grand committee being amended to read as follows:

Resolved, That for the services of the present year, one thousand seven hundred and eighty five, for the payment of one year's Interest on the foreign and domestic debt, and as a provision to discharge the balance of the estimate of April twenty seventh, one thousand seven hundred and eighty four, above the sum called for by the resolve of Congress of that date, it will be necessary that Three Million of dollars, in addition to 649,880 dollars, hereafter provided for, be paid into the common treasury, on or before the first day of May next, to be appropriated to the following purposes:

	Dollars	Dollars
Civil department	122, 331	
Military department	187, 224. 32	
Purchases of Indian rights of soil, and the incidental expences	5, 000	
Contingencies, the expences under which head shall, on the first of January annually, be transmitted by the board of Treasury, to the Legislature of each State	90, 000	
		404, 555. 32

[1] This report, in the writing of James McHenry, is in the *Papers of the Continental Congress,* No. 61, folio 547. The indorsement states that it was read this day and Wednesday, October 5, assigned for its consideration. A further note: "60 Copies" implies that this report was printed. A printed copy is pasted in the Journal under date of October 31.

On this day, according to indorsement, was read a letter of September 26, from the Secretary for Foreign Affairs forwarding a petition from Pierre du Calvet.

FOREIGN DEBT

	Dollars	Dollars
10,000,000 livres loaned in Holland and guaranteed by France, one year's Interest thereon	74, 074	
24,000,000 ditto, public French loan, one year's Interest thereon	222, 222. 20	
174,000 dollars, Spanish loan, one year's Interest thereon	8, 700	
5,000,000 florins, first Dutch loan, one year's Interest thereon	96, 527. 5	
2,000,000 ditto, second Dutch loan, one year's Interest thereon at 4 per cent	30, 888. 88	
846,710 livres to the farmer's general of France, one year's Interest thereon	7, 840	
		440, 252. 58

DOMESTIC DEBT

Liquidated:		
10,517,380.6 dollars, one year's Interest thereon		631, 042. 6
Loan Office debt:		
3,778,900 dollars issued to the 1st Sept. 1777, equal to specie, one year's Interest thereon	226, 734	
3,459,200 dollars issued between 1st Sept. 1777, and 1st March, 1778, which sum is subject to liquidation by the scale, but the Interest is payable on the nominal sum, one year's Interest thereon	207, 540	
5,146,330.8 dollars, specie value of uncancelled loan office certificates, issued after the 1st March, 1778, one year's Interest thereon	308, 780. 6	
		743, 054. 6
4,823,724 dollars, estimated amount of certificates issued and to be issued to the lines of Maryland, Virginia, North Carolina, South Carolina and Georgia, one year's Interest thereon		289, 423. 4
1,141,551.5 dollars, balance of the estimate of the 27th of April, 1784, above the sum called for by the resolution of Congress of that date		1, 141, 551. 5
Total estimate		3, 649, 880
Deduction		649, 880
Balance to be called for		3, 000, 000

It is in No. 80, I, folio 417. Calvet's petition is in No. 78, VIII, folio 435. It was referred to the Board of Treasury which reported September 29.

Also, a letter of September 14 from Governor Matthew Griswold, of Connecticut, acknowledging receipt of the letter of August 29 from the Secretary of Congress. It is in No. 66, folio 306.

Also, was read a letter of September 24 from Arthur Lee forwarding exemplified copies of treaties with the Indians. It is in No. 78, XIV, folio 669.

Deduct for part of the Dutch loan, applied towards a discharge of the last year's estimate, and which the sums required from the States last year will replace; and for loans now in the hands of the Dutch Commissioners, and hereby appropriated for the purposes of this estimate, 649,880 dollars, and there remains the balance of three millions of dollars, to be paid into the common Treasury,

The Committee find that, for reasons stated in the resolve of Congress, of the 27th April, 1784, there yet remains a moiety of the requisition for eight millions of dollars, and the whole of the requisition for two millions of dollars, to be applied to the use of the United States, before any new requisition ought to be made: They are therefore of opinion, that the States be called upon, to make actual payment of three quarters of the remaining moiety aforesaid, on or before the first day of May aforesaid.

The Committee have not been able to obtain information how many States have complied with the resolution of February 17th, or that of April 18th, 1783, relative to a rule, for adjusting the quotas of the several states in federal requisitions: They are therefore of opinion, that the several States which have not decided on that subject, be again solicited to come to a decision thereon, and to send forward the same, as a measure necessary to enable Congress to effect a settlement of accounts with the several States, and to apportion to each a just quota of the public expenses; but, in the mean time, as the public faith renders it the duty of Congress to continue their annual demand for money, the Committee are of opinion, that in the apportionment thereof, the quotas of the several States should be adjusted, agreeably to the best information which Congress may, from time to time, have obtained on the Subject. Upon this principle, they recommend to Congress, that in the present requisition for three millions of dollars, the quotas of the several States be as follows:

	Dollars		Dollars
New Hampshire	105, 416	Delaware	44, 886
Massachusetts	448, 854	Maryland	283, 034
Rhode Island and Providence Plantations	64, 636	Virginia	512, 974
Connecticut	264, 182	North Carolina	218, 012
New York	256, 486	South Carolina	192, 366
New Jersey	166, 716	Georgia	32, 060
Pennsylvania	410, 378		3, 000, 000

Which sums, when paid, shall be passed to the credit of the States respectively, on the terms prescribed by the resolution of Congress

of the 6th day of October, 1779, and together with the monies relied on to discharge the aforesaid deduction of 649,880 dollars, be applied in conformity with the several appropriations in the preceding part of this report, giving preference according to the order in which they are stated in the estimate.

As more than two thirds of the sum called for, is to be applied to the payment of interest on the domestic debt; the Committee are of opinion, that the several Legislatures may so model the collection of the sums called for, that one third of any sum being paid in actual money, the other two thirds may be discharged by the interest due upon loan office certificates, and upon other Certificates of liquidated debts of the United States. And to ascertain the evidences of interest due upon Loan Office Certificates, the holders thereof respectively shall be at liberty to carry them to the Office from which they issued, and the holders of other Certificates of liquidated debts of the United States, to carry the same to the Loan Office of that State wherein they are Inhabitants, or, if foreigners, to any Loan Office within the United States, and to have the interest due thereon, settled and certified to the last day of the year 1784.

Provided that the Commissioner of the Continental Loan Office in any State, shall not, on any pretence whatever, settle or issue any Certificate or Certificates for the interest due on any Continental Loan Office Certificate, or other Certificate of liquidated debts aforesaid, unless as hereafter provided, until the State for which he is Continental Loan Officer, shall have passed a Legislative Act complying with this requisition; nor shall he issue any Certificate, or take any other measure whereby the interest may be paid by the State in any mode not pointed out by this requisition; nor shall the Commissioner of the Continental Loan Office in any State that shall have complied with this requisition, issue any Certificate, or take any other measure whereby a discrimination may be made by such State, between the holders of Loan Office Certificates issued from his office, who are Citizens of that State, and Foreigners, or the Citizens of any other State that shall have complied with this requisition: Excepting from this proviso, such State or States as, by the books of the Treasury, shall appear to have paid their full quota of the requisition of the 30th October, 1781, for eight millions of dollars, upon the former and present apportionment of the same, so far as to admit the Commissioner of the Continental Loan Office in such State or States, to issue Certificates for interest, in the same manner as the Commis-

sioners in the States passing legislative Acts as aforesaid. Provided always, that any Continental Loan Officer shall issue Certificates for interest as aforesaid, due on Continental Loan Office Certificates issued from his Office, and belonging to foreigners, and also to the Citizens of such State as shall have passed a Legislative Act complying with this requisition as aforesaid.

Provided nevertheless, that where any State hath made provision by law, for paying any part of the interest of the domestic debt of the United States, contained in the estimate, on which this requisition is founded, the Continental Loan Officer in such State shall, without delay, ascertain the sum which shall have been so paid, pursuant to such law, on or before the first day of January next, and shall make report thereof to the Board of Treasury, and also to the Legislature of such State, who may deduct from their quota of this requisition, and be credited in part payment thereof, the sum so paid not exceeding two thirds of such quota, every State being held to pay in specie one third part of the said quota, previously to the admission of such Credit. And if any State shall have so paid in discharge of interest as aforesaid, a sum exceeding two thirds of its quota of this requisition, such surplus shall be admitted as a charge against the United States, in the settlement of the general account of such State; but if any interest after the said first day of January shall be paid by any State, contrary to the true intent of this requisition, such payment shall not be admitted as a charge against the United States. And if any Commissioner of a Continental Loan Office, shall disobey or neglect to carry into execution, any resolution or order of Congress, or otherwise neglect his duty in the said Office, the board of treasury shall suspend him from his Office, and the emoluments thereof, and immediately report the reasons thereof to Congress; and the Board of Treasury are hereby empowered to appoint in the room of the Commissioner of the Continental Loan Office so suspended, a Citizen of the State in which the Office is kept, who shall have all the powers and emoluments of a Commissioner of the Continental Loan Office, until Congress shall finally determine respecting the suspension.

And every Commissioner of the Continental Loan Office, previously to settling and issuing Certificates as aforesaid, for the interest due on Certificates of liquidated debts, other than Loan Office Certificates, shall administer an oath or affirmation, or require a certificate signed by one of the persons whom the State in which the Commissioner resides, shall, in the Legislative Act complying with this requisi-

tion, appoint, that he has administered to the Owner or possessor of every such Certificate, an Oath or affirmation, that the same is, *bona fide*, the property of the particular State in which the said Commissioner resides, or of a Citizen or Citizens of the said State, or of some corporate body or charitable institution within the same, or of some person who is not a Citizen of any of the United States; describing the Certificate or Certificates alluded to in every such oath or affirmation, in such manner as shall be necessary to identify the same, or as may be prescribed by the Legislature of the said State.

And for preventing the depreciation of Certificates to be issued as aforesaid, the Legislature of each State is required to provide in the Act complying with this requisition, that if on the first day of January, 1787, the said States quota of the said Certificates so to be issued, shall not be in the hands of the State Treasurer, or other proper Officer, the deficiency shall be collected and paid into the Continental Treasury in specie, which, when so paid, is hereby appropriated to the redemption of such surplus Certificates.

Provided nevertheless, that any State which shall have obtained a Credit in the Books of the Treasury, for the full compliance with the requisition of 4th September, 1782, for one million two hundred thousand dollars, with the requisition of 27th April, 1784, for completing the payment of one half of the requisition of 30th October, 1781, for 8 million dollars, and also with this requisition, shall, at any time after such compliances, be admitted to pay into the Treasury of the United States, any sum or sums in the said Certificates to be issued for interest as aforesaid, and have credit for the same, to be deducted out of the quota of such State, in the next succeeding requisition; provided that such sum or sums do not exceed one half of the said quota.

That the Board of Treasury cause to be made a bank-paper, and thereon to be struck the form of Certificates, to evidence the interest due as aforesaid, and transmit to the several Loan-Officers, a sufficient number of the same. That the said Board furnish the several Loan-Officers with such checks and instructions, as they, from time to time, shall judge necessary, to prevent counterfeited Certificates of debts from obtaining a settlement of interest, and to detect counterfeit evidences of interest, and thereby to avoid receiving them in discharge of taxes, which Certificates of interest being parted with by the holders of the principal, shall be deemed evidence that he has

received satisfaction for the same, and therefore shall be receivable from the bearer in lieu of money in the proportion aforesaid, in any other State in the Union, as well as in the State in which they were issued. That the State receiving such Certificates and paying the same into the public Treasury, with a proportion of specie as aforesaid, shall have credit therefor; which payment shall be considered as a discharge of the interest due on the domestic debt, in the proportion that each State avails itself of the said Certificates of interest. And where Loan-Office Certificates issued after the first day of March, 1778, shall be presented to the Loan-Officer, they shall be reduced to their specie value, conformably to the resolutions of Congress of June 28th, 1780, and that specie value expressed on some part of the Certificate, and the interest thereon settled and certified as in other cases.

As a motive for the cheerful payment of the sum now called for, as well as of the arrearages on that of April 27th, 1784, the Committee are of opinion, that the States be reminded, that Congress have passed an Ordinance for the survey and sale of the Western Territory of the United States, and that the proceeds thereof will be applied as a sinking fund, to extinguish the domestic debt. Future requisitions for interest on the domestic debt, will therefore be reduced in proportion as this fund may be rendered productive.[1]

Resolved, That Congress agree to the said report.

On the report of a committee, consisting of Mr. [William] Grayson, Mr. [Samuel] Holten and Mr. [William] Ellery,

Resolved, That in consideration of the extra services of Mr. Joseph Carleton, the board of treasury take order for paying him the sum of one thousand dollars.

Congress took into consideration the report of a committee, consisting of Mr. [David] Howell, Mr. [Elbridge] Gerry, Mr. [Samuel] Hardy, Mr. [William] Grayson and Mr. [James] Wilson, to whom were referred a report on a letter of 5 February, 1785, from Baron de Steuben, and a motion of Mr. [Charles] Pinckney on the same subject; and the report being amended to read,

[1] This report was copied into the Journal by Roger Alden and Benjamin Bankson.

That in full consideration of the Baron de Steuben's having relinquished different posts of honor and emolument in Europe, and rendered to the United States most essential services, he be allowed and paid out of the treasury of the United States, the sum of dollars, in addition to former grants.

A motion was made by Mr. [Samuel] Hardy, seconded by Mr. [William] Houstoun, to fill the blank with the words, "fifteen thousand."

And on the question to agree to this, the yeas and nays being required by Mr. [William] Ellery,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	ay	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Lawrance,	no	no
Haring,	no	
Smith,	no	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	ay	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
South Carolina,		
Mr. Kean,	ay	*
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So the question was lost.

A motion was then made by Mr. [James] McHenry, seconded by Mr. [William] Houstoun, to fill the blank with the words "Ten thousand."

And on the question to agree to this, the yeas and nays being required by Mr. [William] Ellery,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	ay	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Lawrance,	ay	no
Haring,	no	
Smith,	no	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Pettit,	ay	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
South Carolina,		
Mr. Kean,	ay	*
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So the question was lost.

A vote being taken, and the blank filled with "eight thousand,"

On the question to agree to the report as amended, the yeas and nays being required by Mr. [Joseph Platt] Cook,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	ay	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Lawrance,	ay	div.
Smith,	no	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	

Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	no	
Pettit,	ay	
Delaware,		
Mr. Vining,	ay	ay
Bedford,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
South Carolina,		
Mr. Kean,	ay	*
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So the question was lost.

The report being reconsidered, and the blank filled with the words "seven thousand,"

Resolved, That in full consideration of the Baron de Steuben's having relinquished different posts of honor and emolument in Europe, and rendered most essential services to the United States, he be allowed and paid out of the treasury of the United States, the sum of seven thousand dollars, in addition to former grants.

The committee, consisting of Mr. [William] Grayson, Mr. [Pierse] Long and Mr. [David] Howell, to whom was referred a letter of 14 September, 1785, from Mr. Thomas Paine, having reported,

That for the considerations mentioned in the resolution of the 26 of August last, the board of treasury take order for paying to Mr. Thomas Paine, the sum of dollars.[1]

[1] The report, in the writing of Grayson, fills the blank with the figures 4000. It is in the *Papers of the Continental Congress,* No. 19, V, folio 5. According to the indorsement it was read this day and "negatived." On folio 3 is a motion in the writing of Hugh Williamson: "That in consideration of the important Services rendered to the U. S. by T. Payne The Financier take order for paying him the Sum of Dlrs."

On this day, according to the indorsement, was read a letter, dated September 27, from Thomas Paine, requesting a settlement of his pay. It was referred to Mr. [Elbridge] Gerry, Mr. [David] Howell and Mr. [Pierse] Long. It is in the *Papers of the Continental Congress,* No. 55, folio 93. See *post,* October 3.

On this day, according to Committee Book No. 190, the letter of September 26 from the Secretary for Foreign Affairs, enclosing a letter from Don Diego

A motion was made by Mr. Gerry, seconded by Mr. McHenry, to fill the blank with the words "six thousand."

And on the question to agree to this motion, the yeas and nays being required by Mr. Long,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	ay	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson,	no	
New York,		
Mr. Lawrance,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	div.
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	no	
Pettit,	ay	
Delaware,		
Mr. Vining,	no	no
Bedford,	no	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Hardy,	ay	ay
Grayson,	ay	
South Carolina,		
Mr. Kean,	no	*
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	no	

So the question was lost.

WEDNESDAY, SEPTEMBER 28, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia and Georgia; and from the State of Delaware, Mr. [John] Vining; from Maryland, Mr. [William] Hindman; from North Carolina, Mr. [William] Cumming, and from South Carolina, Mr. [John] Kean.

Gardoqui, was read. It was referred to Mr. [William] Grayson, Mr. [Abraham] Baldwin, Mr. [Rufus] King, Mr. [John] Kean and Mr. [William Samuel] Johnson. Jay's letter is in No. 80, I, folio 421. Gardoqui's, dated September 23, complains of the encroachment of Thomas Green, of Georgia, on the boundaries of Florida, and is in No. 97, folios 81 and 83. Jay's letter is indorsed as "returned to office for^g Affairs 15th Novr 1785."

On motion of Mr. [Rufus] King, seconded by Mr. [Elbridge] Gerry,

Ordered, That the board of treasury take Order without delay, to transmit to the Supreme executives of the several States, the requisition for supplies, past on the 27th instant.

On the report of a committee, consisting of Mr. [Samuel] Holten, Mr. [John] Haring and Mr. [David] Howell, to whom was referred a memorial of Return Jonathan Meigs, and Job Greene, son and heir of Christopher Greene, deceased, late also a colonel in the said service,

Resolved, That the board of treasury take order for paying to Return Jonathan Meigs, late a colonel in the service of the United States, and to the legal representative of Christopher Greene, deceased, late a colonel in said service, the sum of two hundred dollars, the same having been expended for the use and comfort of the unfortunate prisoners in Quebec, in the year 1776.

On the report of a committee, consisting of Mr. [John] Lawrance, Mr. [William] Ellery and Mr. [Abiel] Foster, to whom was referred a petition of Thomas Walcut,

Resolved, That the Commissioner for settling the accounts of persons who served in the hospital department during the late war, be authorised to allow the said Thomas Walcut, at the rate of ten dollars per month, as a compensation for the time he served as ward master in the hospital at Boston.[1]

A letter, of this day, from O. Pollock, was read; Whereupon,

On motion of Mr. [David] Howell, seconded by Mr. [Charles] Pettit,

Resolved, That the board of treasury take order for paying to Oliver Pollock, the sum of five thousand dollars, for which he is to account.

A letter, of the 8 of August, from John Sitgreaves, esq^r was read, accepting the office of a judge of the federal court,

[1] See *ante,* June 1.

for determining the controversy between the states of Massachusetts and New York.[1]

On motion of Mr. [Rufus] King, seconded by Mr. [David] Howell,

Ordered, That the board of treasury cause the whole of the Accounts between the United States and Oliver Pollock to be reexamined and adjusted, any resolution of Congress adjusting the same notwithstanding, and report the same to Congress: Provided that this order shall in no degree affect the validity of the resolutions of Congress relative to the claims of the said Oliver Pollock.

The Committee [consisting of Mr. William Samuel Johnson, Mr. Melancton Smith and Mr. Gunning Bedford] to whom was referred the petition of ~~Zebulon~~ Lord Butler and others, report that it be

Resolved, That the repeal of the resolution of the 23d day of January, 1784, ~~and the permission to withdraw said petition~~ was founded upon the Insufficiency of the Allegations, and defective description of the Lands in Content mentioned in the petition of Zebulon Butler and others, and was not intended to foreclose the Setlers, Proprietors, and Claimants of the Lands at and near Wyoming under the Title of Connecticut from the Appointment of a Federal Court to try the private right of Soil to the Lands aforesaid ~~to the Lands included in the purchase made of the Indian Nations by the Susquehanna and Delaware Companies by the Application of the late Colony and State of Connecticut whenever a Petition shall be preferred to Congress designating the Claimants and the Lands by them claimed and the Opposing Claim, with a due degree of Certainty.~~[2]

The Com^ee^ [Mr. David Howell, Mr. Pierse Long and Mr. John Kean] to whom was referred a Letter from the Secretary for Foreign Affairs of the 20 September, 1785, with its enclosures, beg leave to report,

[1] This letter is in the *Papers of the Continental Congress,* No. 78, XXI, folio 409.

[2] This report, in an unknown hand with corrections by William Samuel Johnson, is in the *Papers of the Continental Congress,* No. 19, I, folio 475. The indorsement states that it was read this day; "debated; amended. Question taken and lost."

That it appears to your Com^ee^ that while Captn J. P. Jones was hovering on the Coast of England in the year 1779, John Jackson, a British pilot, came on board him supposing him to be British; that Captain Jones found it convenient to detain him as a pilot, and in the action with the *Serapis*, which ensued, this man lost an arm.

It further appears to your Com^ee^ from a Letter of Captn Jones, that the Second Lieut^n^ of the *Bon Homme Richard* was, with twenty others at the time of the battle with the *Serapis* on board Jackson's pilot boat, and that when Captn Jones found it impossible to prevent the *Bon Homme Richard* from sinking, Jackson's pilot boat was of singular service in saving the men, particularly the wounded: Some of whom Captn Jones is persuaded would have been drowned, had not he been furnished with this means of saving them.

It also appears to your Com^ee^ that Captn Jones gave this unfortunate man 100 Ducats in hand and promised him the half pay of a pilot for the remainder of his life.

Whereupon your Com^ee^ submit to Congress the following resolution.

Resolved, That six dollars per month, a pilot's half-pay, be allowed and paid out of the Treasury of the U. States in half-yearly payments to John Jackson of the Town of Kingston upon Hull in England, who lost an arm on board the *Bon Homme Richard*, commanded by Captn J. P. Jones in the action with the *Serapis*, on the 22nd day of Sept., 1779; that s^d^ half-pay commence from the 15th day of Nov., 1779, and continue during the term of the natural life of s^d^ Jackson, and that the Board of Treasury take order for making the afores^d^ half-yearly payments, on a certificate from two or more magistrates expressing the places where the s^d^ John Jackson may be then living, and that he is really the same person in whose favour this grant is made.[1]

The Committee [consisting of Mr. Rufus King, Mr. James McHenry and Mr. William Samuel Johnson] to whom was referred the memorial of the Trustees of the College in Providence in the State of R. Island praying for a compensation for Damage done to and an Allowance for the Use of the College buildings while in the possession of the late allied army, submit the following Resolutions.

Resolved, That the Commissioners authorised to settle the accounts between individual States and the U. S. be and hereby are empowered

[1] This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, III, folio 271. The indorsement states that it was read on this day. Committee Book No. 191 states that the matter was transferred.

and directed in pursuance of the principles of the Resolutions of the 3rd June, 1784, to ascertain the reasonable sums to be allowed for the use of any building or buildings of any College or University in any of the States, possessed by the army of the U. S. or that of their allies during the late war, and to give a certificate to the Trustees or corporation of such College or University of the amount of such Rent so ascertained.

Resolved, That it be and hereby is recommended to the Legislatures of the several States within which such Colleges or Universities are, to pay to such Trustees or corporation the sum ascertained and certified as aforesaid, & to charge the same to the U. States.[1]

[1] This report, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 20, I, folio 247. The indorsement states that it was read on this day; debated, amended and "Question taken and lost October 4, 1785." See *ante*, June 6. Committee Book No. 191 states that the "meml & papers dld to Dr. Manning."

SEPTEMBER 28: The following committees were appointed: Mr. [Elbridge] Gerry, Mr. [David] Howell and Mr. [Pierse] Long, on letters of September 14, 24 and 28 from Thomas Paine. This is the committee of September 27. Paine's September 28 letter is in No. 55, folio 85, and an undated one, on the same subject (his claim), is on folio 89. A report was rendered October 3.

Mr. [Rufus] King, Mr. [Charles] Pettit and Mr. [John] Kean, on the memorial of Captains John Barry and Thomas Read which was read this day. See *ante*, September 24.

Mr. [Abiel] Foster, Mr. [Rufus] King, Mr. [David] Howell, Mr. [William Samuel] Johnson, Mr. [Melancton] Smith, Mr. [Lambert] Cadwallader, Mr. [Joseph] Gardner, Mr. [John] Vining, Mr. [William] Hindman, Mr. [William] Grayson, Mr. [William] Cumming, Mr. [John] Kean and Mr. [John] Habersham, "To report an Ordinance for expediting the settlemt of the public Accots The report of the board of treasy on settling the accots of individual States. Report of do on Dunscomb and Aertsen's report. The comees to meet in the Congress chamber on friday morning at 9 o'clock."

Also, the committee of August 8 on the petition of Daniel Elliot and Alexander Fowler was this day discharged and the matter referred to the Board of Treasury to report. See *post*, October 7.

Also the letter of the Board of Treasury, September 26, "relative to printing the register of final settlements and Certificates issued by Comrs for settling army accots" was referred back to the Board "To take order for printing as many copies of the register mentioned in their letter of 26 as they shall judge necessary." The Board reported October 7. The order for this printing and the letter of September 26 were entered in Resolve Book No. 123. The letter is in No. 140, II, folio 103. The Register was printed by Francis Childs (New York: 1786) 4 vols., and recorded the certificates issued from number 1 to 93,843 inclusive, under the title of "Register of the Certificates, Issued by John Pierce, Esquire,

THURSDAY, SEPTEMBER 29, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia; and from the State of Delaware, Mr. [John] Vining; from Maryland, Mr. [William] Hindman; and from North Carolina, Mr. [William] Cumming.

On a report of the board of treasury, to whom were referred a letter of 21 from Timothy Pickering, and one of the same date, from Ralph Pomeroy,

Resolved, That the commissioner for settling the Accounts of the quartermaster general's department, be authorized and directed to settle the whole accounts of Timothy Pickering, late quartermaster general, and his respective deputies, any thing in the resolve of the 27 February, 1782, to the contrary notwithstanding.

On a report from the board of treasury, to whom was referred a petition of John Allan, esq^r late superintendent of Indian Affairs for the eastern department,

Resolved, That three thousand four hundred and ninety four dollars be paid to Mr. John Allan, out of the requisition for the year 1784, in full of the balance due to him on the fourth day of June, 1783, for his services to that time, and that the register's certificate, given for that balance, be taken up and cancelled.[1]

Paymaster-General, and Commissioner of the Army Accounts, for the United States." A set is in the Library of Congress.

Committee Book No. 190.

Also on this day, according to indorsement and Despatch Book No. 185, a letter of September 9, from Governor William Moultrie, of South Carolina, relative to Acts of the State and attendance of delegates in Congress, was read. It is in No. 72, folio 579.

Also, a letter from the Secretary to the Governor of South Carolina, dated September 14, forwarding laws of the state. It is in No. 72, folio 587.

Also was read a letter, dated September 28, from Oliver Pollock, praying an advance of money on account. It is in No. 50, folio 50.

[1] This resolution, in the writing of Charles Thomson, was added to the report of the Board of Treasury, read June 7. See *ante*, June 13.

The board of treasury having, according to order, reported on the claim of P. du Calvet, as adjusted at the Comptroller's Office,

Resolved, That the board of treasury take order for paying to Monsieur Peter du Calvet, the sum of five thousand three hundred and fifty two dollars and forty three ninetieths of a dollar, being the balance found due to him on a settlement of his accounts, at the comptroller's office.[1]

On motion of the state of Massachusetts, seconded by the the state of New York:

Whereas on the 7th day of March, 1785, the legislature of the State of New York passed, and afterwards transmitted an attested copy of a law, in the words following:

"Whereas an agreement was made and entered into on the eighteenth day of May, in the year of our Lord one thousand seven hundred and seventy three, between commissioners appointed by an act of the legislature of the late Colony of New York, and Commissioners appointed by an act of the legislature of the late Colony of Massachusetts Bay; which agreement is in the words following, to wit: This Agreement indented, made the eighteenth day of May, in the thirteenth year of the reign of his Most Gracious Majesty George the third, king of Great-Britain, France and Ireland, Defender of the faith, &c. and in the year of our Lord one thousand seven hundred and seventy three, between John Watts, William Smith, Robert R. Livingston and William Nicholl, esquires, duly authorised to make such agreement, by virtue of a law of the province of New York, of the one part; and William Brattle, Joseph Hawley and John Hancock, esquires, thereunto duly authorised by virtue of a law of the province of Massachusetts Bay, of the other part, witnesseth, that the commissaries aforesaid, being met at Hartford, in

[1] This resolution, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 19, II, folio 125. Du Calvet's memorials are in No. 41, II, folios 197–205.

the colony of Connecticut, for the settlement of a partition line of jurisdiction between the said provinces of New York and Massachusetts Bay, on the easterly part of the said province of New York, and from the south to the north boundaries of the said Massachusetts Bay, in pursuance of the said laws, and certain commissions respectively issued to the Commissaries above named, by the governors of the provinces aforesaid, and in compliance with the royal recommendations heretofore signified to Sir Henry Moore, baronet, and Francis Bernard, esquire, the then governors of the said provinces, by letters from the right honorable the earl of Shelburne, late one of his Majesty's principal Secretaries of State; and after having had divers conferences relative to the aforesaid boundary of the said provinces, they, the said commissaries, do thereupon unanimously agree, that the following line, that is to say, a line beginning at a place fixed upon by the two governments of New York and Connecticut, in or about the year of our Lord one thousand seven hundred and thirty one, for the north west corner of a tract of Land commonly called the oblong or equivalent land, and running from the said corner north twenty one degrees, 10 minutes and thirty seconds east, as the magnetic needle now points to the north line of the Massachusetts Bay, shall, at all times hereafter, be the line of jurisdiction, between the said province of the Massachusetts Bay and the said province of New York, in all and every part and place where the said province of New York, on its eastern boundary, shall adjoin on the said province of the Massachusetts Bay. In testimony whereof, the commissaries aforesaid, have hereunto set their hands and seals, the day and year first above-mentioned. And whereas the governors of the said colonies of New York and Massachusetts Bay, by an instrument in writing under their hands and seals respectively, bearing date the eighteenth day of May, in the year one thousand seven hundred and seventy three,

signified their approbation of the said agreement; which said instrument is in the words following, to wit: We the governors of the provinces aforesaid, having been present at the execution of the agreement aforesaid, in testimony of our consent thereto, and of our approbation thereof, have hereunto set our hands and seals, at Hartford aforesaid, this eighteenth day of May, in the year of our Lord one thousand seven hundred and seventy three, and the thirteenth year of his Majesty's reign. And whereas since the settlement of the said jurisdiction line in manner aforesaid, Commissioners and surveyors have been since appointed, on the part of the said State of New York and Commonwealth of Massachusetts respectively, to run and mark the said line pursuant to the said articles of Agreement; and although such commissioners, in both instances, proceeded in part to run the said line, yet they could not agree so as to complete the same. And whereas the borderers on the said line now suffer great inconvenience and injustice, by being exposed to taxation under the authority of both governments, and a regard to their security and the public tranquillity require, that some adequate remedy should be provided: Be it enacted by the people of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, that it shall and may be lawful to and for the United States of America in Congress assembled, and they are hereby fully authorised to appoint three skilful, judicious and disinterested persons as commissioners, to run out, survey, mark and ascertain the said line of jurisdiction between this state and the commonwealth of Massachusetts, according to the true intent and meaning of the articles of agreement herein before recited. And be it further enacted by the authority aforesaid, that the line so to be run, marked and ascertained by the said commissioners, or any two of them, according to the true intent and meaning of the said Articles of Agreement, shall be, and for ever hereafter

remain, a jurisdiction or boundary line, as far as the same shall extend between the Commonwealth of Massachusetts and this state: Provided always, that the commissioners so to be appointed, shall, before[1] they proceed upon the execution of their trust, be respectively sworn in the presence of a Magistrate, to perform the same faithfully and impartially, according to the best of their skill and Judgment, and shall, within two years from the passing of this Act, complete the said survey, and make a true and exact return thereof into the Secretary's Office of the United States in Congress assembled, in order to be there filed as a perpetual evidence of the said Jurisdiction Line. Provided also, That the Legislature of the Commonwealth of Massachusetts shall consent to such appointment of Commissioners, and shall, within nine Months from the publication of this act, pass a law for vesting the United States in Congress assembled, with similar Powers and Authorities, as are vested in them in and by this Act. And be it further enacted by the Authority aforesaid, That the Governor, or the person administering the Government of this State for the time being, shall be, and is hereby authorized, to nominate and appoint one or more person or persons to furnish the said Commissioners which shall be appointed by Congress, to run the said Jurisdiction line, with the necessary documents and papers relative to the said line, and to disburse and pay, from time to time, the one-half of the expenses attending the survey, as well as to pay the said Commissioners for the one Moiety of their services, and the Person or Persons so nominated and appointed as aforesaid, or any one or more of them, is and are hereby authorized to draw upon, and receive from the Treasurer of this State, a sum not exceeding five hundred pounds, for the purposes aforesaid, and for which they shall be accountable to this State." And whereas on the 29th day of June, 1785, the Legislature of the Commonwealth of

[1] At this point Roger Alden begins the entry.

Massachusetts passed, and afterwards transmitted an attested copy of a Law, in the words following: "Whereas an agreement was made and entered into, on the eighteenth day of May, in the year of our Lord one thousand seven hundred and seventy three, between Commissioners appointed by an Act of the Legislature of the late province of Massachusetts Bay, and Commissioners appointed by an Act of the legislature of the late Colony of New York, for the settlement of a partition line of Jurisdiction between the said late province of Massachusetts Bay and the late Colony of New York, on the easterly part of the said colony of New York: And whereas since the agreement made as aforesaid, Commissioners and surveyors have been appointed on the part of the Commonwealth of Massachusetts and the State of New York respectively, to run and mark the said line, pursuant to the said agreement; which Commissioners, although attempts have been made for that purpose, have not been able to complete the running the said line; and whereas the State of New York, by an Act of their Legislature passed on the seventh day of March, one thousand seven hundred and eighty five, have, on their part, authorized the United States in Congress assembled, to appoint three skilful, Judicious and disinterested persons as Commissioners, to run out, survey, mark and ascertain the said line of Jurisdiction, according to the true intent and meaning of the agreement above referred to: Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same, that it shall and may be lawful to, and for the United States of America, in Congress assembled, and they are hereby fully authorized to appoint three skilful, Judicious and disinterested persons, as Commissioners, to run out, survey, mark and ascertain the said line of Jurisdiction, between this Commonwealth and the State of New York, according to the true intent and meaning of the agreement above-mentioned. And be it further enacted by the

authority aforesaid, that the line so to be run, marked and ascertained by the said Commissioners, or any two of them, according to the true intent and meaning of the said agreement, shall be, and for ever hereafter remain, a Jurisdiction or boundary line, as far as the same shall extend, between this Commonwealth and the easterly part of the State of New York: Provided always, that the Commissioners so to be appointed, shall, before they proceed upon the execution of their trust, be sworn faithfully and impartially to perform the same, according to the best of their skill and Judgment, and shall, within two years from the seventh day of March, one thousand seven hundred and eighty five, complete the said survey, and make a true and exact return thereof, into the Secretary's Office of the United States in Congress assembled, to be there filed, as a perpetual evidence of the said Jurisdiction Line. And be it further enacted by the Authority aforesaid, that the Governor, by and with the consent of the Council of this Commonwealth, is hereby authorized to appoint one or more person or persons, to furnish the said Commissioners, which shall be appointed by Congress to run and ascertain the line aforesaid, with the necessary documents and papers relative to the said line, and to make his warrant on the Treasurer of this Commonwealth in favour of the person or persons so to be appointed, for the sum of three hundred pounds, to be applied, if necessary, for the payment of one-half of the expenses attending the survey, and for which they shall be accountable to this Commonwealth."

For the purpose of carrying into execution the object of the states aforesaid,

Resolved, That Monday next be assigned for the appointment of Commissioners, conformable to the Laws of the States aforesaid.[1]

[1] This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 133.

[1] Congress took into consideration a Plan for regulating the receipt of taxes, and payment of the Interest due by the United States;

And the following paragraph being under debate, viz.

That it shall be the duty of the several Officers hereafter to be appointed, to receive and keep the monies arising from the continental taxes in the different states, and to pay the interest due from the United States in the said states respectively; to keep their Office as contiguous as possible to the treasurer of the state in which they may respectively reside, &c.

A motion was made by Mr. [David] Howell, seconded by Mr. [John] Lawrance, to strike out the words "to keep their Office as contiguous as possible to the treasurer of the State in which they may respectively reside." And on the question, shall those words stand? the yeas and nays being required by Mr. [David] Howell,

New Hampshire,		
Mr. Foster,	ay	ay
Long,	ay	
Massachusetts,		
Mr. Gerry,	ay	ay
Holten,	ay	
King,	ay	
Rhode Island,		
Mr. Ellery,	ay	div.
Howell,	no	
Connecticut,		
Mr. Cook,		div.
Johnson,	ay	
New York,	no	
Mr. Lawrance,	no	no
Haring,	no	
Smith,	no	
New Jersey,		
Mr. Cadwallader,	ay	ay
Stewart,	ay	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Pettit,	ay	
Maryland,		
Mr. Hindman,	ay	*
Virginia,		
Mr. Lee,	ay	ay
Grayson,	ay	
Georgia,		
Mr. Habersham,	ay	ay[2]
Baldwin,	ay	

[1] At this point Thomson resumes the entries.

[2] This vote is also in the *Papers of the Continental Congress,* No. 36, III, folio 148.

So the question was lost, and the words were struck out.[1]

WAR OFFICE,
September 27th 1785.

The Secretary of the United States for the department of War, to whom was referred the Memorial of Capn James McLean, Reports—

That the Corps of Invalids were disbanded in the latter end of the year 1783.

That such of them who were at Philadelphia and could not find immediate means of subsistence, were offered a maintenance at West Point by the Inspector General Baron Steuben in consequence of orders from the Commander in Chief. That five officers and about Twenty five men embraced the proposals and repaired to that post. That the soldiers did not perform and perhaps were incapable of performing any duty, but the Officers occasionally sat on Courts Martial. In addition to which Lieutenant McLean had the special command of the privates. That the Troops of the garrison having received four months pay during the last and present year, the same proportion was paid the Invalids in consideration of their unfortunate situation, in addition to which the Invalid Officers regularly received their full subsistence Money, and the Soldiery their full rations and some clothing. That this circumstance and the benevolent manner in which they were directed to repair to West Point induced them to believe that they were to receive full pay and rations during Life—That upon Congress passing the ordinance on the 7th June last, establishing a system for the Invalids: it became the duty of your Secretary to disband the Invalids at West Point—that they might be provided for as the Resolve directs. That in order to enable them to return to the States to which they respectively belonged, two and three months pay were advanced to the officers in proportion to the distances they had to go, and ten dollars to each of the Privates, who were principally from Pennsylvania. The necessity of the case

[1] On this day, as the indorsement indicates, was read a memorial, dated September 29, of Nathaniel Sackett and associates, for a grant of land in Ohio and power to establish government therein. The memorial, in printed form, with an engraved map, is in No. 41, IX, folio 349. It includes the memorial of August 22, which Despatch Book No. 185 shows was delivered to Congress, but ignored, and is followed by five folios of signatures of the associates.

Also, a letter of August 23, from Richard Caswell, Governor of North Carolina, relative to acts passed by that state and its representation in Congress. It is in No. 72, folio 215.

dictated these advances, but your Secretary was restrained from granting a warrant for the supposed Arrearages of pay, from the consideration that he did not conceive it to be the intention of Congress, that a very small part of the numerous Invalids, should be supported with full pay and Emoluments, while at the same time, those who were scattered through the United States whose claims were equally strong, should receive nothing. The pay and subsistence Money actually advanced those at West Point, far exceeds the amount of their half pay. There have been repeated applications to this Office from Invalid Officers in the several States, to be placed upon an equal footing with those who were at West Point, but however great their distresses have been, your Secretary had no Authority to comply with their request. But if Congress should be of opinion that the general Assurances of the Inspector General amounted to a promise of full pay and emoluments, and that the pay which was advanced at different periods afterwards, confirmed that idea and that no ill consequences will arise from a provision for a part of the Invalids, while the whole of that unfortunate, tho' meritorious Corps were unprovided for, they will please to direct. That the Paymaster General make the same settlement with the Officers and Soldiers of the Invalids who were at West Point from the beginning of December 1783, to the 31 July, 1785, as was made with the Troops who formed the Garrison during the same period. If however Congress should conceive that a full allowance of pay and emoluments would involve applications from other Persons, who have equal claims on the Public, which could not be rejected upon principles of impartiality yet, as Lieutenant McLean did upon the expectation of receiving his full pay, incurs debts on his own and the Account of his Men which he is unable to discharge, but for the payment of which he stands bound, amounting to Dollars, and as his having had the charge of the Privates, creates a difference in his favour from the other Officers, Your Secretary submits to Congress the propriety of enabling Mr. McLean to discharge the aforesaid Bond of one hundred and thirty dollars and in consideration of the trouble of Commanding the Privates, that a sum be advanced him equal to the Amount of three months pay of a Lieutenant. Upon this principle the following resolve is submitted.

That the sum of one hundred and thirty Dollars be advanced to Lieut. McLean of the Invalids in order to enable him to discharge the Debts due from the Invalid Soldiers, late under his orders at

West Point, and in consideration of the trouble of his having had the direction of the said Invalids, a further sum be advanced to him equal to three months pay as Lieutenant.

H. KNOX.[1]

FRIDAY, SEPTEMBER 30, 1785.

Congress assembled. Present, as yesterday.

Congress resumed the consideration of the plan for regulating the receipt of taxes, and payment of the interest due by the United States, and the following paragraph being under debate:

That they be respectively allowed [for all services and duties which are or may be annexed to their offices, by any acts or resolution of Congress, or direction of the board of treasury,] a sum not exceeding nor less than dollars per annum, exclusive of office-rent, stationary and other necessary Charges, and the wages of such clerks as may be previously authorised by the board of treasury, who shall judge of the services aforesaid.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 151, folio 117. According to indorsement it was read this day. Committee Book No. 191 states that it was transferred.

SEPTEMBER 29: The following committee was appointed: Mr. [Rufus] King, Mr. [David] Howell and Mr. [Melancton] Smith, on "Letter 14 Sept. 1785 Saml Kirkland. Letter 15 Sept. James Dean with Message from Indians". This message was from Joseph Brant and the Oneidas. This committee also considered the report of the Secretary at War, of September 12, and rendered its report October 4. Kirkland's letter is in No. 30, folio 475, and Dean's is on folio 473. Brant's speech and letter from the Oneidas is in No. 30, folio 471.

Also, the petition of "Nicholas Jourdain for pay for collecting prisoners in Indian towns as directed by Comrs" was this day referred to the Secretary at War to take order.

Also, the petition of William Fagan, an Invalid, for pay was referred to the Secretary at War.

Committee Book No. 190.

[2] This paragraph, in the writing of Elbridge Gerry, except the part in brackets, which is in the writing of John Kean, is in the *Papers of the Continental Congress*, No. 36, III, folios 139 and 141. The amount at first was $2,000 and $1000, which was struck out for $1500 and $600.

A motion was made by Mr. [David] Jackson, seconded by Mr. [Charles] Pettit, that the first blank be filled with the words "two thousand."

And on the question to agree to this, the yeas and nays being required by Mr. [David] Jackson,

New Hampshire,		
Mr. Foster,	no	no
Long,	no	
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
Connecticut,		
Mr. Cook,	no	no
Johnson	no	
New York,		
Mr. Lawrance,	no	no
Haring,	no	
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Jackson,	ay	ay
Pettit,	ay	
Maryland,		
Mr. Hindman,	no	*
Virginia,		
Mr. Lee,	no	no
Grayson,	no	
North Carolina,		
Mr. Cumming,	no	*
South Carolina,		
Mr. Kean,	no	*
Georgia,		
Mr. Houstoun,	no	no[1]
Habersham,	no	
Baldwin,	no	

So it passed in the negative.

~~A motion was made by Mr. [William] Grayson, seconded by Mr. [David] Jackson, that the blank be filled with the words "eighteen hundred", and on the question to agree to this, the yeas and nays being required by Mr. [Charles] Pettit,~~

[1] This vote is also in the *Papers of the Continental Congress*, No. 36, III, folio 146.

~~Mr. Foster,~~	~~no~~	~~Mr. Smith,~~	~~ay~~
~~Mr. Long,~~	~~no~~	~~Mr. Cadwallader,~~	~~ay~~
~~Mr. Gerry,~~	~~ay~~	~~Mr. Stewart,~~	~~no~~
~~Mr. Holten,~~	~~ay~~	~~Mr. Jackson,~~	~~ay~~
~~Mr. King,~~	~~ay~~	~~Mr. Pettit,~~	~~ay~~
~~Mr. Ellery,~~	~~ay~~	~~Mr. Lee,~~	~~ay~~
~~Mr. Howell,~~	~~no~~	~~Mr. Grayson,~~	~~ay~~
~~Mr. Cook,~~	~~no~~	~~Mr. Kean,~~	~~ay~~
~~Mr. Johnson,~~	~~no~~	~~Mr. Houstoun,~~	~~ay~~
~~Mr. Lawrance,~~	~~ay~~	~~Mr. Habersham,~~	~~ay~~
~~Mr. Haring,~~	~~ay~~	~~Mr. Baldwin,~~	~~ay~~ [1]

~~So the question was lost.~~

The report being amended, was agreed to as follows:

Resolved, That it shall be the duty of the Commissioners of the continental loan Offices in the respective states, to receive and keep the moneys arising from continental taxes in the different states, and to pay the interest due from the United States, in the said states respectively. And that they hold all moneys collected within the several states, on Account of the requisitions of Congress, subject only to the orders of Congress, or of the board of treasury.

That they shall, agreeably to such mode as may be prescribed by the comptroller, make weekly returns to the board of treasury, of the money they may receive on account of the United States, and also of the certificates which may issue for the payment of the interest on the public debt, in pursuance of the acts of Congress.

That they form accurate estimates as often as called upon by the board of treasury, of the interest falling due monthly within their respective states, on loan office certificates, and other liquidated securities of the United States; and that they keep accurate and distinct registers of the principal sums due, as well on the liquidated as loan office debt.

[1] This vote is also in the *Papers of the Continental Congress,* No. 36, III, folio 146.

That in all their official transactions, they govern themselves by the acts and resolves of Congress, or the orders of the board of treasury, not repugnant thereto.

That they make no appropriation of moneys by them received on account of the United States, except for the purpose of the payment of interest, agreeably to the resolves of Congress, without the express order of the board of treasury, and that they submit to the comptroller, a state of their accounts quarterly for examination and allowance.

That the said Officers shall not directly or indirectly be concerned in trade; and that previously to entering on the duties of their office, they shall severally enter into bonds to the United States of America, with two or more sureties [the principals in a sum not exceeding fifty thousand dollars, nor less than ten thousand dollars, and one or more sureties in a like sum, as may, from time to time, be directed by the board of treasury, having regard to the magnitude of the trust reposed in the several offices].[1] Further, they shall severally take and subscribe the oath of fidelity to the United States, and also an oath for the due execution of their offices respectively, certificates of which, together with their several bonds, shall be transmitted to the board of treasury, who shall cause the same to be recorded in the comptroller's office.

That they shall henceforth be respectively allowed for all services and duties which are or may be annexed to their offices, by any acts or resolutions of Congress, or direction of the board of treasury, a sum not exceeding fifteen hundred, nor less than six hundred dollars per annum, exclusive of office-rent, stationary, and other necessary charges, and the wages of such clerks as may be previously authorised by the board of treasury, who shall judge of the services aforesaid.

[1] The passage in brackets, in the writing of David Howell, and undated, is in the *Papers of the Continental Congress*, No. 36, III, folio 143. There is a draft also in Howell's writing on folio 148.

That in the payment of all moneys, they shall take printed duplicate receipts, agreeable to such form as shall be transmitted to them by the comptroller; one of which shall be forwarded to the board of treasury, with their accounts in support of the payments made by them respectively. That they shall also give duplicate receipts for all moneys received by them, in order that the several states may direct one of them to be forwarded to the board of treasury, who, upon the receipt thereof, shall credit the state for the amount specified therein, and charge the same to the officer receiving it.

That it be recommended to the legislatures of the respective states, to direct their treasurers to transmit to the board of treasury, a monthly abstract of all moneys paid on account of the several states to the commissioners of the continental loan offices, distinguishing the dates and amounts of the respective payments, and the sums paid in actual money, from those in interest certificates.

That all the acts and resolves of Congress respecting the duties of the commissioners of the loan Office in the respective states, made previously to this date, be, and they are hereby repealed and declared to be void from and after the first day of January next, excepting the requisition of the 27 and 28 of April, 1784, the ordinance of the 20th of May, and the requisition of the 27 September, 1785.

That all appointments of Commissioners of the continental loan Offices in future, shall be made by the United States in Congress assembled, any act or resolution to the contrary notwithstanding: provided that such commissioners as are now in office, where the number does not exceed one in each state, be, and hereby are continued in Office, subject to the acts and resolutions of Congress.

And that all ~~such~~ loan Officers previous to ~~the first day of July next give bond~~ their entering on their Duties as Receivers shall

give bond to the commissioners of the B^d of Treasury with sufficient sureties in the sum of Dollars for the faithful discharge of their Trusts respectively.[1]

That all appointments of commissioners of the continental Loan Offices ~~except in the case of suspensions~~ in future ~~to be made~~ shall be made by the U. S. in Congress assembled, any Act or Resolution to the contrary notwithstanding. Provided that such commissioners as are now in Office when the number does not exceed one in Each State, be and hereby are continued in Office ~~until suspended by the B. of T. or removed by Congress~~ subject to the Acts and Resolutions of Congress.

Resolved, That the Resolution of the 3^d of Oct., 1776, so far as relates to the Responsibility of the States ~~respectively~~ for the faithful discharge of the Duty of the Commissioners of the C. L. O. be Repealed and made void from and after the 1st day of Jan^y, 1786.[2]

Resolved, That the resolution of the 3d day of October, 1776, so far as it relates to the responsibility of the states for the faithful discharge of the duty of the Commissioners of the continental loan office, be repealed and made void, from and after the first day of January, 1786.

In obedience to the order of the 6th, the Secretary at War transmitted to Congress, a return of military stores belonging to the United States, and the places of their deposit.[3]

MONDAY, OCTOBER 3, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia; and from the State of Delaware, Mr. [John] Vining, and from Maryland, Mr. [William] Hindman.

[1] This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 123.

[2] This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 135. The indorsement dates it September, 1785.

[3] On this day, according to Committee Book No. 190, Thomas Hutchins and David Rittenhouse, John Ewing and ——— Moore were nominated by the States of Massachusetts and New York as Commissioners to run the boundary line between those two States.

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [David] Howell and Mr. [Pierse] Long, to whom were referred sundry letters from Mr. Thomas Paine, and a report on his letter of 14 September;

Resolved, That the board of treasury take order for paying to Mr. Thomas Paine, the sum of three thousand dollars, for the considerations mentioned in the resolution of the 26th of August last.[1]

[Motion of Mr Rufus King, Seconded by Mr William Samuel Johnson. Question taken and lost.]

Resolved, That the resolution of the day of repealing the Resolve of the 23d day of January, 1784, was founded upon the insufficiency of the allegations and defective descriptions of the lands therein mentioned, and was not intended to prevent the Claimants of the said Lands under any Title from the state of Connecticut claimed to have originated before the adjustment of Jurisdiction between P[ennsylvania] and Con[necticut] from having a federal Court instituted to try the private right of Soil to the lands aforesaid.[2]

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, III, folio 169. It is indorsed as read this day and contains the words, apparently stricken out in committee, "and in full for the depreciation of his pay and of all demands."

On this day, according to indorsement, a motion by Mr. Elbridge Gerry, seconded by Mr. David Howell, respecting the quotas of money from the States, was offered and October 7 assigned for its consideration. The motion, in Gerry's handwriting, is in No. 136, III, folio 183. It was adopted, almost verbatim, and spread on the Journal October 12. See *post*, October 7.

[2] This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 173. The indorsement dates it October 3 and adds: "Question taken & lost."

Also was read a letter of June 20 from Ezra Stiles acknowledging receipt of Dr. Wilson's works. It is in No. 78, XXI, folio 397. See *ante*, March 22.

Also was read a report, dated September 30, from the Secretary at War, on the letter of June 14 from Captain Aaron Hill, a Mohawk Chief. It is indorsed as passed October 5 and is in No. 151, folio 121.

According to indorsement Richard Soderstrom's letter of September 8, was this day referred to the Secretary for Foreign Affairs to report. See *ante*, September 12.

OFFICE FOR FOREIGN AFFAIRS,
29th September, 1785.

The Secretary of the United States for the Department of foreign Affairs in obedience to the Order of Congress reports the Draft of an Ordinance for the Trial of Piracies and Felonies committed on the high Seas.

Your Secretary observes that prior to the Reign of Henry the Eighth of England, Piracies, *Treasons*, Felonies &c: committed on the High Seas, were tried before the Admiral, according to the Course of the *civil Law.*

That in the 28th Year of his Reign, an Act was passed, declaring that they should in future be tried at such places in the Realm as should be assigned by the King's Commission, and in like manner as if committed on the Land, which commission should be issued as often as need might require, directed to the Admiral or his Lieutenant, and three or four other substantial Persons to be named by the Lord Chancellor. Their proceedings were to be according to the common Law.

The Provisions in this Act were rendered more extensive and effectual by one passed in the 11th and 12th of William the 3d which was also amended by 18th George the 2d by which and other subsequent Statutes many useful Things on this Subject were enacted, but which the present Powers of Congress are not supposed to reach.

Your Secretary also observes that the Power given to Congress by the Confederation, is not to declare what is or shall be Felony or Piracy, nor to declare what Shall be the Punishment of either, but merely *to appoint Courts for the Trial of Piracies and Felonies committed on the high Seas.* Whence it seems to follow that the wise End in View viz†: The rendering both the Trial and Punishment of those Offences similar in all the States, cannot be accomplished by an Ordinance of Congress in virtue of that Article in the Confederation.

But as Piracy is War against all mankind, which is the highest Violation of the Laws of Nations; as the Execution of those Laws demands the Care of the Sovereign who is responsible for the Observance of them in his Dominions, and as the Conduct of the United States towards all their Enemies in open War against them, (whether Nations or Individuals) is to be regulated by their fœderal Government,

Your Secretary thinks that Congress would not exceed their Powers by ordaining, the Punishment to be inflicted throughout the United States in Cases of Piracy.

This Reasoning however does not in the Opinion of Your Secretary, apply to Cases of Felony as distinguished from Piracy; and therefore the Design of this Reference with Respect to them, can only be so far attained by an Ordinance of Congress, as that they Shall be tried (tho' not *punished*) in like manner in all the States.

It appears singular to your Secretary, that the Confederation should confine the Authority of Congress to Piracies and Felonies, and not extend it to *Treasons*, which can not be regularly comprehended under either of those Denominations. The Revolution has done away so much of the former Law respecting Treasons, and such new Relations between Citizen and Sovereign has taken Place, that it is very difficult, if practicable, to say what is the exact Extent and Meaning of Treason in the United States.

There is an Allegiance resulting from Compact which is due from the Citizens of each State to the Sovereign of it, and there is also an Allegiance less understood, which is due from the Citizens of all the States to their fœderal Sovereign. The Nature of both these Sovereignties differ so exceedingly from Monarchy with Respect to Offences of *lese Majestatis;* that Laws and Penalties proper to support the latter, would be impolitic and injurious to the former.

Your Secretary is aware that this is a Deviation from the Line of the reference, but as the Importance of introducing Precision, Uniformity and System in this essential Branch of the Law merits Attention, he hopes this short digression from his proper Subject will be excused.

An Ordinance for the Trial of Piracies and Felonies Committed on the High Seas.

Whereas by the ninth Article of Confederation and perpetual Union between the United States, it is declared that they shall, when assembled in Congress, have the sole and exclusive Right and Power, of appointing Courts for the Trial of Piracies and Felonies committed on the High Seas.

Wherefore be it ordained by the United States in Congress Assembled, and it is hereby ordained by the Authority of the same, that whenever, and so often, as any Person or Persons charged with having committed Piracy or Felony on the high Seas, shall either be appre-

hended in, or brought *from Sea or foreign Parts* to any one of the said States, the Governor, Lieutenant Governor or other Magistrate or Magistrates then exercising the executive Power of such State, shall forthwith at the Expence of the United States, send such Person or Persons for Trial to such other of the said States, where the Witnesses and Proofs of such Piracy or Felony may more easily and expeditiously be had. But in all cases where the said Person or Persons may as well, or more conveniently, be tried there, as in another State, And in all cases where a Person or Persons so charged, shall there be brought from another State for Trial, the said Executive, magistrate or magistrates, shall within thirty Days after the commitment of such Person or Persons, issue a Commission, to continue in Force for forty Days and no longer, under the great Seal of the State, to the Judge of the Court of Admiralty thereof, and to three or four such other learned and discreet Men, as the said Executive Power may think proper, constituting them Judges to hear, determine and judge all Piracies and Felonies committed on the high Seas, by any Person or Persons then being within that State, or who may come or be brought to it before the Expiration of that Commission, in the Manner and Form specified in this Ordinance, which shall be recited at length in the said Commission.

And it is further ordained by the Authority aforesaid that a Majority of the said Judges, of which the Judge of the Admiralty shall always be one, do constitute a Quorum; and that every Question proper for their Discussion, shall be decided by the major Voice of them all if present, or of the Quorum aforesaid if all should not be present.

It shall be and is hereby declared to be the duty of the said Judges respectively, to take the following Oath before they proceed to execute the said Commission, vizt:

I, A. B., one of the Judges appointed by Commission under the great Seal of this State bearing Date the Day of issued in Pursuance of the Ordinance of Congress therein recited, for hearing, determining and judging all Piracies and Felonies committed on the high Seas by any Person or Persons now within this State or who may come or be brought to it before the Expiration of the said Commission do swear on the holy Evangelists of Almighty God that I will faithfully, diligently and impartially do my Duty as one of the said Judges, according to Justice, Law, and Right, and to the best of my Skill and Understanding. So help me God.

The said Judges shall then appoint a Clerk to their Court, and administer to him the following Oath, viz:

I, A. B., appointed Clerk to the Court about to set for hearing, determining and judging all Felonies and Piraces committed on the high Seas by any Person of Persons now within this State or who may come or be brought to it before the Expiration of the said Commission, do Swear on the holy Evangelists of Almighty God that I will faithfully, diligently and impartially do my Duty therein according to the best of my Skill and Judgement.

The said Judges shall then decide in what County of the State, and at what Place in such County, it will be most convenient for all Parties, and most conducive to the furtherance of Justice, that they should open and hold their Court: and having so decided they shall there remain and not remove the Court to any other Place. They shall forthwith proceed by Precept under their Hands and Seals, to command the Sheriff of that County, to have before them at the Place aforesaid, and at a certain Day therein to be assigned, not less than twelve nor more than twenty four good and lawful Men of his Bailiwick, to form a Grand Jury, who on Oath shall enquire and true Presentment make of all Piracies and Felonies committed on the high Seas by any Person or Persons within the said State, or who may come or be brought to it before the Expiration of the said Commission. This Precept shall be issued within seven Days after the Date of the Commission and shall be returnable within eight Days after its own Date exclusively.

The said Judges shall also at the same time that they issue the Precept aforesaid, issue another to the same Sheriff to empannel and have before them twenty four other good and lawful Men of his Bailiwick out of whom as occasion may require, Pettit Juries to consist of twelve, shall be chosen by Ballot, for the Trial of such Indictment as may be presented as aforesaid, and to which the Party indicated shall plead not guilty. This last Precept shall be returnable on the fourth Day inclusive after the Return of the other Precept.

It shall be the Duty of the Attorney General of the said State to prosecute the Pirates and Felons in Question in like manner as if their Offences had been committed within the Body of the County in which the said Judges shall sit.

The grand Jury shall be sworn and charged in open Court, and they shall demene themselves and proceed in doing Business in the manner and form, indicated by the common Law and by this Ordinance; and

the Court shall have the like Authority over them and over the Pettit Juries summoned to attend them, and over witnesses and over all ministerial Officers of Justice throughout the whole State, as a Court of Goal Delivery or of Oyer and Terminer of Right hath in the particular County for which they may be commissioned.

And it is further ordained, by the Authority aforesaid, that so soon as an Indictment against any Person or Persons for the Offences aforesaid or either of them, shall be presented to the said Court, they shall if not already done, cause the Person or Persons so indited to be apprehended by issuing a Precept for that Purpose to the Sheriff and other ministerial Officers or either or any of them, of the County in which such Person or Persons may be supposed to be.

When the Person or Persons so indicted shall be brought before the Court, they shall be allowed Counsel, a Copy of the Indictment shall be delivered to each of them, and one Day allowed them to consider of the same.

They shall then be separately arraigned and called upon to plead. Against such as shall stand mute or refuse to plead, Judgement shall be entered in like manner as by Confession. If he shall plead not guilty a Copy of the Pannel shall be forthwith delivered to him, and he shall have at the least two Days to prepare for his Trial, and more, if good Cause for such indulgence be shewn to the Court.

The Witnesses shall be sworn and examined *viva voce* in Presence of the Court, the Jury and the Prisoner; and the whole Trial shall be conducted according to the Course of the common Law.

Written Examinations of the Prisoner or Prisoners duly taken before a proper Magistrate, and signed by the Party and the Magistrate, shall be given in Evidence, but ex-parte Affidavits shall in no Case nor on any Pretence be admitted.

If any of the Prisoners so indicted of Piracy shall be duly convicted thereof, the Judgement against him shall be, that he be hanged by the Neck until he be dead; and the Sheriff of the County shall cause the said Judgement to be executed, at such Time and Place, as the said Judges shall order. It also shall be in the Discretion of the Judges to order the Body of the Offender to be hung in Chains, if the circumstances of the Offence be so agravated and atrocious, as in their Opinion to render such Example of Severity useful and proper.

If any of the Prisoners so indicted of Felony shall be duly convicted thereof, the Judgement against him shall be the same, and it shall be

executed in like Manner as if the said Felony had been committed within the Body of the said County.

It is also ordained by the Authority aforesaid, that from the Time that the said Court shall be first opened they shall have Power to adjourn only from Day to Day; but in case they shall have dispatched all the Business before them, before the Expiration of the forty Days limited for the Duration of their Commission; they shall then adjourn *Sine Die.*

It is further ordained by the Authority aforesaid, that reasonable Compensation shall be made to the Clerk of the Court, and to the Sheriff, for their respective Services, to be ascertained by the Court, who shall also admit and tax such accounts of such incidental Expences, as may have been indispensably necessary, such for Example, as Provisions for the Prisoners, Chains for such as they may have directed to be hanged in them, and the like. All these Allowances and Expences, certified by the Judges, shall be paid in the first Instance, out of the Treasury of the State; and repaid out of the Treasury of the United States, to the Order of the chief executive Magistrate, or the accounts be transmitted to the Commissioners of the Treasury Board, and passed in the usual Form.

And Whereas in providing for the Administration of Justice, care should be taken not to exclude Mercy where circumstances may render the Extention of it proper,

Therefore it is also ordained by the Authority aforesaid—that it shall be in the Power of the chief executive Magistrate or Magistrates of the State for the Time being, on the Recommendation of the Judges aforesaid, to respite the Execution of any Judgement against any Pirate or Felon convicted as aforesaid, until the Pleasure of Congress shall be known, and for that purpose, Notice of the said Respite, and the Reasons therefor, shall be without Delay communicated to Congress.

It is also ordained by the Authority aforesaid that such Person or Persons as shall be indicted and tried before the said Court, for either of the Offences aforesaid, and shall be thereof acquitted; shall not be again questioned, or tried for the same in that or any other of the United States. And in order that such Person or Persons may if so again indicted, have the better Opportunity of pleading and proving such previous Acquital in Bar thereto, It is further Ordained that the Proceedings in every such Cause shall be duly entered up of Record, on Parchment Rolls, by the Clerk of the Court, with the Advice and

Assistance of the Attorney General, and shall be returned by the said Court, together with, and annexed to, their Commission, to the chief executive Magistrate or Magistrates who issued the same, and who on Receipt thereof, shall cause the said Commission and Proceedings to be filed in the Court of Chancery of the said State; or if there should be no Court of Chancery established in the said State, then the same shall be filed with the Keeper of the Records of the superior Court of Judicature for the said State, and an Exempli[fi]cation of any of the said Rolls or Records, under the great Seal of the State, shall be good Evidence in any subsequent Court to be appointed or held in any of the United States for the Trial of Piracies and Felonies committed on the high Seas.

And Whereas the friendless and destitute Situation in which such men often are, may put it out of their Power to obtain such exemplifications,

And whereas the Term of forty Days assigned for the Duration of the Commission, may not admit of sending for and having it from a distant State in Season: Therefore it is further ordained, that whenever a Person indicted in the said Court, for either of the Offences aforesaid, shall plead a former Acquital on a Trial for the same supposed Offences, in a similar Court in one of the other United States—It shall be the Duty of the Court to receive the Plea, and immediately write a Letter to the chief executive Magistrate of that State, informing him thereof, and requesting him as the Life of a man is in question, to make diligent Search for the Record of the Cause alluded to, and at the Expence of the United States to send to them an Exemplification thereof in due form. The Prisoner shall then be recommitted to Prison. If the Exemplification demanded, shall arrive before the Expiration of the forty Days, and it shall clearly appear to the Court, from comparing that Record with the present Indictment, that he had been indicted, tried and acquitted of the same Offence, for which he stands indicted before them; they shall forthwith discharge him. But if the said chief executive Magistrate or Magistrates shall answer that there is no such Record, and shall also enclose a Certificate of the proper Keeper of such Records under his Oath of Office, that there is no such Record, then Judgement shall be entered against the said Prisoner as by Confession.

But if no answer whatever shall be received from the said Executive Magistrate, before the expiration of the said forty Days then the Executive power of the State shall by a short Commission reciting

the Date of the former continue it for forty Days longer. And as it may so happen that the Cause in which such Plea may be made, may be the only one before the Court, and it would be a Hardship to keep the Court sitting from Day to Day until the answer aforesaid should arrive, it shall be lawful for the said Court on such a Contingency, to adjourn for a Week, ten Days, or other Term, that they may think expedient.

And it is also ordained by the Authority aforesaid that all Accessaries to Piracy whether before or after the Fact, shall be considered as Principals; but that all Accessaries to Felonies committed on the high Seas, shall be considered by the said Judges, as they are considered by the Laws of the State, in which the Offenders shall be tried as aforesaid. And further that all Lands, Goods and Chattels which may be forfeited on the Convictions before mentioned, shall pass and belong to the State within which such Convictions shall be had, excepting only such Lands as may be in another State, for they shall belong to that other State.

Lastly it is ordained that the Ordinance of the 5th April 1781 entitled an Ordinance for establishing Courts for the Tryal of Piracies and Felonies committed on the high Seas shall be and hereby is repealed.

Draft of a Commission.

State of ———, *ss.*

To all to whom these Presents shall come,

I ——— Governor, (Lieut. Governor, President, &c, as the Case may be) of the State (or Commonwealth) of Send Greeting.

Whereas the United States of America in Congress Assembled did on the day of in the year of our Lord one thousand seven hundred and eighty five make and publish an Ordinance in the Words following viz: (here recite it verbatim). Now Know Ye that by virtue of the Authority to me by the said Ordinance given, I have nominated constituted and appointed and by these presents do nominate, constitute, and appoint A. B., Esquire, the present Judge of the Court of Admiralty—in and for this State, C. D. of E. F. of and G. H. of and the Majority of them of whom the said shall always be one, Judges to hear, judge and determine all Piracies and Felonies committed on the high Seas, by any Person or Persons now within this State, or who before the Expiration of this Commission shall come

or be brought to the same. In the doing whereof the said Judges are hereby directed to proceed in the manner specified and ordained, in and by the said Ordinance, and to exercise all the Powers and Authorities given to them by the same.

This Commission shall remain in Force forty Days from this Day exclusive, and at the Expiration thereof the said Judges are to return the same to me, or to the Person who may then exercise the executive Power of this State, together with the Records and Minutes of their Proceedings annexed thereto, and certified by an Indorsement, under their Hands and Seals or the Hands and Seals of a Majority of them.

In Witness whereof I have hereunto subscribed my Name, and caused the Great Seal of this State to be affixed.

All Which is submitted to the Wisdom of Congress.

JOHN JAY.[1]

TUESDAY, OCTOBER 4, 1785.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia; and from the State of Delaware, Mr. [John] Vining; from Maryland, Mr. [William] Hindman, and from North Carolina, Mr. [William] Cumming.

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 405 It is indorsed by Thomson: "Ent. Read 3 Octr, 1785. Monday 10th Octr 1785 assigned for consideration" and by Roger Alden: "Monday 30 April, 1786 assigned for consideration. Referred Mr. Dane, Mr. Johnson, Mr. Kean, Mr King, Mr. Monroe."

On this day, according to indorsement, was read the report of the committee on the petition of William Popham. It was passed verbatim October 19 and the text is there spread on the Journal. See *ante*, April 4 and August 8. The report, in the writing of William Grayson, is in No. 19, V, folio 205.

Also, according to Committee Book No. 190, a letter from Richard Rundolph, dated August 25 and praying payment for flour captured in 1776, was this day read and referred to Mr. [Joseph] Gardner, Mr. [Rufus] King and Mr. [William] Grayson. This committee was renewed October 12, 1787.

Also, the petition of Thomas Pool, praying compensation for services and suffering, was this day referred to the Secretary at War to report, which he did March 27, 1786. Pool's petition, dated September 29, is in No. 42, VI, folio 318.

Also the report of the Committee of September 12 on the letter from the Postmaster General was rendered this day. It was adopted verbatim, October 5, and is there spread on the Journal.

The Committee to whom was referred a Letter from Mr Kirkland of the 14th of September, together with its enclosures submit the following Report—

That from the manner of treating the indians of the Six nations during their alliance with the British Government, and from the assurances made to them that their interest and Happiness would be promoted by their late Alliance with the U. S. it is not only politic, but in the Opinion of the committee highly expedient that an Agent should be appointed without Delay to reside in the country of the Six nations for the purposes stated in a Report from the Secretary at war now before Congress.

Should Congress be of this Opinion and proceed to appoint such Agent,

The committee submit that he be instructed to inform the Oneidas, and also the Cayogon Chiefs, that congress will preserve inviolate the Treaty of Fort Stanwix, concluded between their commissioners and the Chiefs of the Six Nations, and that the Reservations in that treaty in favor of any of the said Tribes will be at all times faithfully regarded by Congress.

That the said Agent be farther instructed in answer to the speech of Joseph Brant to inform that Chief that a Treaty will be held in this month at the mouth of the Great Miami by the Commissioners of Congress with the western Indians; That Col. James Monroe has left congress to be present at that Treaty, and that it is the desire of congress, that the said Chief of the Mohawks should also be there present.

That from the lateness of the season, and the interference which the proposed meeting at Buffalo Creek may have with the treaty at the G. Miami, Congress cannot send any commissioners to attend at the former place; and wish that such proposed meeting may not take place.[1]

[Motion of Delegates of New Hampshire]

Resolved, That the secretary at war deliver to the State of New Hampshire sixteen pieces of Brass Field Artillery and eight ammu-

[1] This report, in the writing of Rufus King, is in the *Papers of the Continental Congress,* No. 19, III, folio 359. The indorsement states that it was read on this day, October 5 assigned for consideration. See *ante,* September 29.

nition waggons to be returned on the order of Congress or the Secretary at War.[1]

WEDNESDAY, OCTOBER 5, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long; from Delaware, Mr. [John] Vining; from Maryland, Mr. [William] Hindman, and from North Carolina, Mr. [William] Cumming.

On the report of a committee, consisting of Mr. [William] Houston, Mr. [David] Howell, Mr. [Samuel] Holten and Mr. [William] Grayson, to whom was referred a letter of 9th September, from the postmaster general,

Resolved, That the Secretary of Congress, inform the postmaster general, that the words "accustomed route," mentioned in the resolution of the 7th day of September last, relate to the stage carriages, and that the postmaster

[1] This motion, in the writing of Abiel Foster, is in the *Papers of the Continental Congress*, No. 36, III, folio 175. The indorsement and Committee Book No. 190 show that it was referred this day to Mr. [Elbridge] Gerry, Mr. [William] Grayson and Mr. [John] Kean, who reported October 5.

OCTOBER 4: On this day the memorial of Thornton Taylor respecting the settlement of his accounts as commissary of military stores was referred to the Board of Treasury to report.

The letter of October 8, 1784, from Count Florida Blanca to the President of Congress was referred to the Secretary for Foreign Affairs to report, which he did October 6.

The letter of September 8 from Richard Soderstrom was referred to the Secretary for Foreign Affairs to report, which he did October 7. See *ante*, October 3 and September 13.

The letter of September 19, from Benjamin Franklin, announcing his arrival in America and the signing of a treaty with Prussia, was referred to the Secretary for Foreign Affairs to report, which he did October 12. Jay submitted this Franklin letter on October 4 and the letter of submittal is in No. 80, II, folio 5. A transcript of Franklin's letter is in No. 100, II, folio 260.

Committee Book No. 190.

general be directed, to establish cross posts, where the same shall thereby be rendered necessary.[1]

On a report from the Secretary at War, to whom was referred a letter of the 14th of June last, from captain Aaron Hill,

Resolved, That the account exhibited against the United States, by captain Aaron Hill, an Indian hostage, for sundries supplied himself and other Indians with him, while residing at Fort Schuyler, be paid by the board of treasury, deducting the sum of fifty four pounds, New York currency, charged as a ransom for two negroes.[2]

The Committee [consisting of Mr. Elbridge Gerry, Mr. William Grayson and Mr. John Kean] to whom was referred a Motion of the Delegates of New Hampshire in Behalf of the State for obtaining of Congress the Loan of 16 ps. brass artillery and 8 ammunition Waggons submit the following report:

That however desirous Congress may be on every Occasion, to comply with the Request of the State of New Hampshire, they cannot with a due Regard for the publick Safety, establish a precedent for disposing the field artillery or military Stores of the United States by loaning the same to individual States; but earnestly recommend it to every State not supplied with such artillery Stores to procure them without Delay pursuant to the 6th Article of Confederation.[3]

[1] According to Committee Book No. 190, this report, which is in the *Papers of the Continental Congress*, No. 61, folio 531, in the writing of William Grayson, was rendered October 3.

[2] Consideration of the report of the committee on the letters of Samuel Kirkland and James Dean was this day postponed to October 11, according to indorsement on the report. See *ante*, October 4.

[3] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, I, folio 39. According to indorsement it was read this day. See *post*, November 2.

THURSDAY, OCTOBER 6, 1785.

Congress assembled. Present as yesterday.[1]

OFFICE FOR FOREIGN AFFAIRS,
6th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter of the 8th October last from the Count de florida Blanca to his Excellency the President of Congress, reports—

That in his Opinion the following Answer would be proper viz.t

NEW YORK, *October, 1785.*

SIR: Your Excellency's Letter of the 8th October last was delivered to me by Sr Dn Diego De Gardoqui immediately on his Arrival.

Being soon after much indisposed, it became necessary for me to retire from Congress for the Recovery of my Health, and that Circumstance deprived me of the Pleasure of writing to your Excellency by a more early Conveyance.

The appointment of Mr Gardoqui gave great satisfaction to the United States, and I flatter myself that the manner in which he was received, and will continue to be treated, will be perfectly agreeable to his Catholic Majesty.

Be assured Sir, it is the sincere wish of this Country not only to be on good Terms with, but to cultivate the Friendship of the Spanish Monarchy; and I am Authorized to add, that the United States will cheerfully join in concerting and concluding such friendly and commertial Connections with his Majesty, as by properly settling territorial Questions, and regulating the Intercourse of the two Nations on Principles of Reciprocity, may produce and perpetuate mutual Harmony and good Will between them.

I have the honor to be etc.

All which is submitted to the Wisdom of Congress.

JOHN JAY.[2]

[1] On this day, according to *Reports of the Secretary of Congress*, the recommendation of the Secretary on the matter of Mr. Barré's letter of June 29 was approved and the matter referred to the Secretary for Foreign Affairs to take order.

[2] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 429. According to Committee Book No. 190 it was rendered this day. No. 16, *President's Letter Book*, shows that this draft was this day used, verbatim, by Richard Henry Lee, President, and sent to Florida Blanca.

FRIDAY, OCTOBER 7, 1785.

Congress assembled. Present as before.

On a letter, of this day, from Mr. A. Lee, representing, that previously to his appointment to the board of treasury, he was elected a member of the Assembly of Virginia, which is to be in session the 17th instant and praying for leave of absence for the purpose of attending the session of the said Assembly,

Resolved, That leave of absence be granted to Mr. A. Lee, agreeably to his request.[1]

A motion having been made by the State of Massachusetts, seconded by the state of Virginia,

That a committee be appointed to prepare a report, for expressing the highest disapprobation of Congress, of the disposition which appears in several districts within the United States, to be separated from the states which have exercised constitutional jurisdiction over such districts respectively, and be erected into independent governments, without the consent of the said States and of the United States, and for signifying the intention of Congress to support, when necessary, every state, when opposing such unconstitutional attempts to destroy the fundamental principles of the Union.

[1] Lee's letter is in No. 78, XIV, folio 673.

On this day, according to Thomson's indorsement on the printed copy of Gerry's motion of October 3, consideration was postponed to October 10.

Also, according to Committee Book No. 190, and Despatch Book No. 185, a petition of J[ohn] Alsop and F[rancis] Lewis "to be exonerated from the judgm^{t} agst them on acc^{t} of a charter party signed by them as Members of the Secret Com^{ee}. in 1776," was this day received and referred to the Board of Treasury to report. The memorial, dated November 1, 1784, was read December 11 and referred to a committee. It is in No. 41, V, folio 337.

Also, on this day, according to Committee Book No. 190, the last paragraph of C. W. F. Dumas' letter of June 26, 1785, was referred to the Secretary for foreign Affairs to report, which he did October 13 and the report was considered by Congress October 14.

Also to the Secretary for Foreign Affairs was referred back his report of September 19 "on the number of Consuls and motion of Mr. Gerry," for further report. See *post*, October 14.

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to postpone the consideration of that motion, in order to take up the following:

"That a committee be appointed to devise and report an additional article to the Confederation, to be submitted to the legislatures of the several States, for the purpose of *empowering and authorizing any nine states, or two thirds of the states in the federal Union, for the time being, of the United States in Congress assembled, to erect into a new state, and admit into the federal Union,* on certain terms to be specified in the said article, any part or district of any of the United States: Provided that the legislature of the state to which such district may belong, shall join with the people of such district in an application to Congress, for the exercise of the power and authority aforesaid."

And on the question to postpone for the purpose beforementioned, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Long,	ay	*
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Cadwallader,	no	no
Stewart,	no	
Pennsylvania,		
Mr. Gardner,	no	no
Jackson,	no	
Virginia,		
Mr. Lee,	no	no
Grayson,	no	
North Carolina,		
Mr. Cumming,	no	*
South Carolina,		
Mr. Bull,	no	div.
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin,	ay	

So the question was lost.

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to postpone the consideration of the Motion of Massachusetts, until the 5 day of November next.

And on the question to agree to this motion, the yeas and nays being required by Mr. [David] Howell,

New Hampshire,			*New Jersey,*		
Mr. Foster,	ay	*	Mr. Cadwallader,	no	no
Massachusetts,			Stewart,	no	
Mr. Gerry,	no	no	*Pennsylvania,*		
Holten,	no		Mr. Gardner,	ay	div.
King,	no		Jackson,	no	
Rhode Island,			*Virginia,*		
Mr. Ellery,	ay	ay	Mr. Lee,	no	no
Howell,	ay		Grayson,	no	
Connecticut,			*South Carolina,*		
Mr. Cook,	ay	ay	Mr. Kean,	ay	*
Johnson	ay		*Georgia,*		
New York,			Mr. Houstoun,	ay	ay
Mr. Haring,	no	no	Habersham,	ay	
Smith,	no		Baldwin,	ay	

So the question was lost.[1]

OFFICE FOR FOREIGN AFFAIRS,
6th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter from Richard Soderstrom Consul of Sweden of 8th Septr to his Excellency the President of Congress, praying for Copies of certain Papers, reports—

That in his Opinion whenever Complaints against any Person are made to Congress, of such a Nature, as to render it proper for them to do any Act, which may affect the Party complained of, there and in such Cases Justice in general requires, that the Party should be informed of those Complaints and admitted to defend themselves.

[1] On this day, as the indorsement states, was read a petition of Pierre Regnier de Roussi praying for a decision on his former petition. It is in the *Papers of the Continental Congress,* No. 42, VI, folio 502.

But that where such Complaints are either nugatory or irregular as to Congress, or are merely in the Nature of Intelligence; it would very Seldom be adviseable to publish them. Because,

1. Altho' it may not be right to encourage Complaints or Intelligence respecting the Conduct of public Officers or others; yet it would not be prudent to *discourage* the offering of either, which would be the Case if they were to be published.

2. The Precedent of giving Copies of such Papers in one Instance would lead to frequent and troublesome Applications in others.

3. Because the Publication in such matters would create and furnish Fuel for Animosities between Individuals.

The Representations in Question arose from an Apprehension that the Admission of Mr Soderstrom to the Rights of a Consul might operate against the legal Recovery of the Debts due from him to the Complainants, and for which they had brought their Actions. But as he has been admitted, and consequently the Complainants have failed in that Object; your Secretary Cannot perceive any good Reason for giving Mr Soderstrom Copies of those Papers.

Thus far your Secretary has treated this Complaint as if it had been made *directly to Congress*, either by Petition, Memorial or Letter to his Excellency the President—But the Fact, that this Complaint or Representation was made to your Secretary for foreign Affairs, and by him communicated to Congress.

As this is in a particular manner an Office of Secrecy and Confidence, and is generally so considered; he thinks that Line should not be deviated from, except on extraordinary Occasions and for cogent Reasons. The matter in Question indeed may not be of a secret Nature, but he thinks it better to keep many unimportant Things secret than by observing too little Reserve, destroy or impair that Opinion which encourages Information and free Communications.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

BOARD OF TREASURY,
7th *October, 1785.*

SIR: We beg leave to submit for the consideration of Congress the inclosed Report of this Board on the memorial of Alexander Fowler

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 433. According to indorsement it was read this day.

and Daniel Elliott of Fort Pitt, claiming payment for certain advances made by them to Troops of the United States at Fort Pitt.

With great respect and Esteem We are, Your Excellency's Most Obed^{t} Humble Serv^{ts}

SAMUEL OSGOOD.
ARTHUR LEE.[1]

BOARD OF TREASURY,
October 6th, 1785.

The Board of Treasury to whom was referred the memorial of Alexander Fowler, and Daniel Elliott of Fort Pitt, claiming pay for certain advances made by them to the Troops under the command of Major Marbury at Fort Pitt in the year 1784, Beg leave to Report—

That although it appears by the Testimony of Major Marbury, that the memorialists in consequence of his encouragement made the advances Stated in their memorial, yet there is no record either in the Offices of the War, or Treasury Department, in support of the assurance stated to be made by the late Secretary of War "That the Troops under the command of Major Marbury should be paid quarterly, either in Specie, or in Notes of the late Superintendent of Finance."

That it appears by a Return made to this Board by the Commissioner for settling the Army Accounts, that on a final settlement with the Detachment of Troops under the command of Major Marbury, a stoppage had been made on account of the claims of Alexander Fowler of Two Thousand five hundred and sixty three dollars 20/90ths; but it does not appear that the Claim of Daniel Elliott was ever exhibited to the Commissioner of Army Accounts, or that any stoppage has been made for the same.

That no payment has been made in specie to persons who have made advances to the Troops, beyond the amount of six months pay advanced to the Line of the Army in the years 1782 and 1783: and that to establish a precedent of payment in the case of the Troops under the command of Major Marbury, would subject the United States, either to a charge of partiality, or to expenditures to which the present state of the Revenue is altogether incompetent.

[1] This letter, with its enclosed report, also signed by Osgood and Lee, is in the *Papers of the Continental Congress*, No. 138, I, folios 509–13. The indorsement states they were read this day. See *ante*, April 4.

That, independent of these considerations, it ought in the opinion of this Board, to be an invariable Rule, not to permit the payment of the Troops to be made through any other line than that of the Pay Master General, at such periods, and in such proportion and manner, as shall be prescribed by the Resolves of Congress, or the express orders of the Minister at War; since a deviation from this system, will not only subject the Troops to imposition, and encourage a system of speculation highly injurious to the service, but expose the Treasury to disbursements of money, without any previous notice of the provision necessary to be made for such purpose.

Under these circumstances, the Board submit to the consideration of Congress the following Resolves, viz.—

Resolved, That the Commissioner of Army Accounts be authorized and directed, to issue to Alexander Fowler certificates to the amount of Two thousand five hundred and sixty three dollars 20/90th, being the amount of the stoppage made from the detachment commanded by Major Marbury at Fort Pitt, in the year 1784, on account of the claim of said Fowler; and that the above sum bear interest from the time it became due.

Resolved, That the memorial of Daniel Elliott, praying Reimbursement for certain advances stated to be made by him to the detachment under the command of Major Marbury at Fort Pitt in the year 1784, be dismissed; the said memorialist not having exhibited his claims to the Commissioner of Army Accounts previous to a final settlement of the accounts of said detachment.

All which is humbly submitted.[1]

MONDAY, OCTOBER 10, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long; from New Jersey, Mr. [Lambert] Cadwallader; from Delaware, Mr. [John] Vining; from Maryland, Mr. [William] Hindman, and from North Carolina, Mr. [William] Cumming.

[1] Also on this day, according to indorsement, was read a letter of October 7 from the Secretary for Foreign Affairs, forwarding translations of letters from C. W. F. Dumas. Jay's letter is in No. 80, II, folio 9.

The delegates for New Hampshire laid before Congress two Acts of the legislature of that State, one entitled,

"An Act to vest the United States in Congress assembled, with full power to regulate trade and enter into treaties of Commerce." Passed 22 and 23 June, 1785.

The other entitled,

"An Act for the regulation of Navigation and commerce." Passed 23 June, 1785.

A letter, of this day, from S. H. Parsons, Esqr was read, accepting the Office of a commissioner to treat with the western Indians, and informing Congress of his arrival in this City.[1]

On motion of Mr. [Rufus] King, seconded by Mr. [Elbridge] Gerry,

~~Resolved, that any committee of congress be and hereby are authorised to require the attendance of any person or persons holding an Office under Congress and residing at the place where congress hold their session, before such committee, specifying in such requisition the Time and place of attendance.~~

And ~~also to direct~~ such person or persons shall ~~to~~ bring with him or them such public papers and Documents as may be in his or their Office and particularised in the summons such papers being considered at all times as in the Custody of the person or persons producing the same.[2]

Resolved, That any person or persons, holding an Office under Congress, and residing at the place where Congress hold their sessions, be directed to attend any committee of Congress, whenever summoned by the chairman of such committee; in which summons, the time and place of attendance shall be notified;[3] and such person or persons, shall

[1] On this day, according to indorsement, further consideration of Gerry's motion of October 3 was apparently postponed to October 12, *q. v.*

[2] This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 177. It is indorsed as passed October 10.

[3] This paragraph, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, III, folio 179.

bring with him or them, such public papers and documents as may be in his or their Office, and particularised in the summons, such papers being considered at all times as in the custody of the person or persons producing the same.[1]

The Board of Treasury to whom was referred the Memorial of Francis Lewis, Jacobus Vanzandt and Samuel Tudor, in behalf of themselves and others, who have accounts unsettled in the Marine Department, Beg leave to Report—

That in consequence of a representation from the Commissioner for settling accounts in the Marine Department, they have given him permission to come to this City; They therefore submit to Congress the following resolve.

Resolved, That on the arrival of the Commissioner of Marine Accounts in this City, the Memorialist be directed to exhibit their accounts; in order that the same may be put into such a train of settlement, as the Board of Treasury from the circumstances of the case may judge expedient.[2]

Octr 8th. 1785.

OFFICE FOR FOREIGN AFFAIRS,
7th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred the Representation of Certain french Merchants against the Acts of New Hampshire and Massachusetts for regulating Navigation and Commerce &c., Reports—

That as the Objections stated in the memorial against those Acts, are equally applied to both of them, he presumes there is no material Difference between them.

[1] On this day, as the indorsement states, was read a petition dated September 14, from John Coles, of Boston, praying to be appointed map engraver to the United States. It is in No. 42, II, folio 190.

Also, a petition of Daniel Gray praying the settlement of his accounts, which was referred to the Board of Treasury to report. It is in No. 42, III, folio 283. Committee Book No. 190 shows that the report was made October 19.

Also, a letter of September 15 from Thomas Hutchins announcing his arrival at Pittsburg and giving news of the situation. It is in No. 60, folio 189.

Also, a letter of October 4 from Matthew Griswold, Governor of Connecticut, asking that his letters be sent by post. It is in No. 66, II, folio 308.

[2] This report, signed by Samuel Osgood and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 55. Committee Book No. 191 states that the matter was transferred.

He has the one of Massachusetts but not that of New Hampshire. This Circumstance induces him to take the Liberty of suggesting whether it would not be expedient to collect, at the public Expence, Copies of the Acts of the different States, and place them in the Secretary's Office for the Use of Congress and their Officers.

The Complaints made of these Acts may be comprized under the following Heads—

1. That they exclude french Vessels from all except *certain Ports*, whereas all the Ports of France are open to american Vessels, and in some of them *no Duties* are demanded, vizt—in the four free Ports.

2. That the Duty of Tonnage imposed by these Acts is not consistent with the 5th Article of the Treaty.

3. That they were made to take Place so soon after they were enacted, as not to afford reasonable Time for the European Merchants to be informed of them.

In considering these Objections two Objects of Enquiry present themselves: (1) whether these Acts observe the Letter of the Treaty, and (2) whether they quadrate with those Principles of Reciprocity on which the Treaty is professedly founded.

As to the *first* objection vizt—the Exclusion of french Vessels from all except certain Ports—

Your Secretary observes, that there is no express Stipulation in the Treaty which prevents such Exclusion, while extended to the *most favored Nation.*

He nevertheless thinks that, however lawful and consistent with the Letter of the Treaty such exclusion may be, and however the States may have good Right to refuse establishing any free Ports; yet that the french Merchants have Reason to say, that they enjoy fewer Priviledges in that Respect, in New Hampshire and Massachusetts, than the Merchants of those States do in France, from none of whose Ports they are excluded, and in some of which they are allowed particular Immunities.

The *Second* objection appears to have much weight.

The 5th Article of the Treaty exempts american Vessels from the Impost of 100 Sous pr. Ton, established in France on foreign Ships *unless* when the Ships of the United States shall load with the Merchandize of France for another Port of the *same Dominion*, in *which case* they shall pay the Duty above mentioned so long as other Nations the most favored shall be obliged to pay it. But it is understood that the United States or any of them are at Liberty, when they shall

judge it proper to establish a Duty equivalent *in the same case*, that is, in the Opinion of your Secretary, in the Case of a french Vessel loading in one Port to carry her Lading to another Port of the United States.

If this be the true Construction and Meaning of the Treaty, then it seems to follow as of necessary consequence, that none of the United States can rightfully impose a Duty of Tonnage on a french Vessel *in any other case*. For if it was intended that they should be at Liberty to impose *it in all cases* why was it expressly stipulated that they might impose it in the *same* or in *such* a Case? It would neither be a fair Construction of the Treaty nor a Construction consistent with the most obvious dictates of Reciprocity, to say, that the French are to give up their Tonnage of 100 Sous *in all cases* but *one*, but that the United States are to be at Liberty to impose a Tonnage equal to 100 Sous p^r. Ton, on french Vessels in *every* Case without Exception.

The Law of Massachusetts makes no Distinction of Cases, but subjects french Vessels to Tonnage in every Case where they enter their Ports after the 1st of August. In this Respect therefore your Secretary considers that Act as deviating both from the Letter and Spirit of the Treaty.

The *third* objection though not very important merits some attention.

The Act of Massachusetts passed the 23^d June, and took place the 1st August last.—This Notice might have been sufficient to prevent a Ship from *sailing*, but it was not sufficient to prevent a Ship's being *fitted out and laden* for their Ports. It doubtless is wholly in the Discretion of the Legislature to make their Acts take place when they please: But it nevertheless seems reasonable, that they who are to be affected by Laws, should have *seasonable* Notice of them.

Your Secretary takes the Liberty of observing that the French have extended Liberty of Commerce to the United States beyond what they were bound to do by the Treaty, and it certainly would not be kind to repay their friendly Relaxations by Restrictions more rigid than a due Regard to our Commercial Interests may demand and justify. It is in their Power to retaliate, but it would not be good Policy in us to dispose them to it.

Your Secretary is clearly of Opinion that the Commerce of the United States, must suffer from partial and discordant Regulations; and that until it is under one Direction, it will never be conducted in that stable, uniform and consistant manner which is necessary to produce the Benefits and Respectability that might be expected from it.

As to the Acts in Question, he thinks it would be proper to transmit these Papers to the Legislatures of New Hampshire and Massachusetts, and to recommend to them a Revision of these Acts. The Confidence that may be placed in their Wisdom and in their Attachment to the Honor and good Faith of the Union, leaves no Room to doubt of their Readiness to correct any Errors which may have inadvertently glided into any of their Laws.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

TUESDAY, OCTOBER 11, 1785.

Congress assembled. Present as yesterday.

On a report from the board of treasury, to whom was referred a petition of Lewis Nichola and Richard Lloyd, agents to the invalid corps and Hazen's regiment, in behalf of themselves and the agents of Armand's corps, the regiment of Artificers, and the corps of Sappers and Miners,

Resolved, That, when the agents appointed to issue certificates for the balances due to the corps of the late conti-

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 437. According to Committee Book No. 191, it was submitted October 10 and transferred.

OCTOBER 10: The following committee was appointed: Mr. [Charles] Pinckney, Mr. [Samuel] Holten and Mr. [David] Howell, on "Motion of Mr. Howell That all grants of money and orders on the treasury be entered on the common Journal."

Also the Board of Treasury was directed to take order on the letter of October 10 from S. H. Parsons "for an advance of money sufficient to enable him to proceed to the place of holding a treaty with Western Indians." Parsons' letter is in No. 78, XVIII, folio 591.

Also a letter of October 5 from Robert Morris relating to the failure of de la Lande & Fynje was referred to the Board of Treasury.

Also the petition of Daniel Gray for a settlement "of his acco^ts notwithstanding loss of books and papers" was referred to the Board of Treasury to report and report was rendered October 19.

Also the report of the Board of Treasury, of July 21, on Ezekiel Forman's letter of December 11, 1784, was referred back to the Board to take order. The report and order were entered in Resolve Book No. 123, under October 10.

Also the letters from C. W. F. Dumas, dated July 5, July 10, July 28 and July 26, and numbered as despatches Nos. 56–59, were referred to the Secretary for Foreign Affairs.

Committee Book No. 190.

nental army, (not appertaining to any State) shall have finally adjusted the accounts of their respective corps, with the commissioner of Army Accounts, the board of treasury be, and it is hereby authorised, to ascertain and report to Congress, such compensation, as, from the report of the said Commissioner, they shall judge proportionate to the service of the respective Agents.

Resolved, That the Certificates which remain undelivered by the respective agents abovementioned, to the individuals to whom they belong, be returned to the commissioner of Army Accounts, with whom the said agents are to settle the accounts of their Agency, relative to the deliveries made to the individuals aforesaid; And the Commissioner for Army accounts shall transmit such remaining certificates to the supreme executive authority of the state in which the parties, having a right to claim the same, were enlisted, in the same manner as is provided for by the resolves of Congress of the 3d of November, 1783, and 27th of May, 1785, in the case of regiments appertaining to the several States.

OFFICE FOR FOREIGN AFFAIRS,
[October 8, 1785]

SIR: I have the honor of transmitting to your Excellency herewith enclosed, a letter of the 27th Ultimo which I have received from Mr Soderstrom the Consul of Sweden.

The facts stated in it, are interesting, and in my Opinion it would be proper to send Copies of it to the different States with a Recommendation of Congress to them to treat the Merchants and Vessels of Sweden in the same liberal manner in which that Kingdom treats ours.

I have the honor to be, etc.

JOHN JAY.[1]

His Excellency the PRESIDENT OF CONGRESS.

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 473. According to indorsement it was read this day and referred back to the Secretary for Foreign Affairs to report. See *post*, October 24.

Also on this day, according to indorsements, were read letters from the Secretary for Foreign Affairs, dated October 8, enclosing a letter and translation

WEDNESDAY, OCTOBER 12, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia; and from the state of New Hampshire, Mr. [Pierse] Long; from Delaware, Mr. [John] Vining; from Maryland, Mr. [William] Hindman, and from North Carolina, Mr. [William] Cumming.

On the report of a committee, consisting of Mr. [Rufus] King, Mr. [Jacob] Read and Mr. [David] Howell, to whom was referred a letter of 24 September, from R. Butler, esq^r.

Resolved, That the company of infantry, detached by the secretary at war, in pursuance of the resolution of the 29 of June last, to attend the treaty with the western Indians, to be held at the Mouth of the Great Miami, be, from and after the conclusion of the said treaty, subject to the Orders of lieutenant colonel Harmar, who is hereby directed to post the said troops in such situations, as shall best promote the objects of his instructions, any thing in the resolution of the 29 of June to the contrary notwithstanding.[1]

The delegates for Massachusetts and Virginia having withdrawn their motion of the 7th instant,

On Motion of the delegates of the said states,

Resolved, That a grand Committee be appointed to report what measures are proper for Congress to adopt, to prevent

thereof, from Mr. Otto and October 11, a letter and sundry enclosures from Mr. [John] Adams.

Also, according to Committee Book No. 190, Mr. [Rufus] King, Mr. [Jacob] Read and Mr. [David] Howell were appointed a committee to consider a letter of September 24 from Richard Butler. They delivered a report this day which was adopted, verbatim, and spread on the Journal October 12. Butler's letter is in No. 56, folio 323.

Also, according to indorsements and that on the extract from the report of the Secretary at War, dated September 12 (No. 151, folio 99), *to wit*: "To be printed—the report on Mr. Kirkland's letter to succeed it—60 copies," the authority for this publication was given this day. A broadside of the combined reports is in the Library of Congress; the printed date line is September 12, but the broadside could not have been issued before October 11. See *ante*, September 12, 14, October 4 and 5.

[1] This report, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 19, I, folio 479. See *ante*, October 11.

the ill consequences of a particular district in any State, setting up and claiming the right of independent government, without the consent of the said state and of the United States.

Ordered, That the said committee meet in the Congress chamber, on friday next, at 10 o'clock in the Morning.[1]

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [David] Howell,

Whereas it is indispensibly necessary, for the support of the federal government, that the states should supply their quotas of Money, for the purposes stated in the estimates of the subsisting requisitions of Congress. And whereas [certificates for] the interest arising on loan Office certificates, and other certificates of liquidated debts, previously to the last day of December, 1782, from the deficiencies of some of the states to comply with the requisition of the 4th September, 1782, and 27 and 28 of April, 1784, will, in pursuance of the requisition of the 27th of September, 1785, be issued by the commissioners of the continental loan Offices in such states; And whereas the extra certificates which the said commissioners may issue for the payment of the said interest, should be called in or redeemed by the deficient states, in Order to complete their respective quotas of the interest of the domestic debt, specified in the said requisitions of the 4 September, 1782, and 27 and 28 April, 1784.

Resolved, That the several States be earnestly called on, to compleat without delay, the whole of their quotas of the requisitions last mentioned, and that such of the states as

[1] According to Committee Book No. 190, the Grand Committee appointed was: Mr. [Pierse] Long, Mr. [Elbridge] Gerry, Mr. [Joseph Platt] Cook, Mr. [John] Haring, Mr. [William Churchill] Houston, Mr. [David] Jackson, Mr. [John] Vining, Mr. [William] Hindman, Mr. [William] Grayson, Mr. [William] Cumming, Mr. [Jacob] Read and Mr. [William] Houstoun, and to it was referred the motion as above stated and also a motion of Mr. Howell, of which no record appears to have been retained. See *post,* October 13. On March 10, 1786, this committee was discharged "and business referred to another G: Com^ee^"

may be deficient in paying their respective quotas of the interest of the domestic debt, pursuant to the said requisitions, be required to collect and pay into the public treasury, the amount of such deficiencies, either in certificates to be issued by the commissioners of the continental loan Offices, pursuant to the requisition of the 27th September, 1785, for the payment of the said interest, or in specie, to be applied to the redemption of such certificates; provided that the sum so to be paid into the treasury in interest certificates, as part of the requisition of the 27 and of 28th April, 1784, shall not at any time exceed the proportion of ~~specie~~ facilities to be paid into the treasury, ~~specified~~ agreeably to the requisition last mentioned.[1]

OFFICE FOR FOREIGN AFFAIRS,
11th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter of 19th September last from the Honorable Doctr Franklin late Minister Plenipotentiary at the Court of Versailles, &c., Reports—

That as this Letter announces the Return of this Minister to this Country after a long Absence, during which he was concerned in very important and successful Negotiations, it affords a natural Occasion for Congress to take his Services, and the Manner most proper to express their Sense of them, into Consideration.

The Information that Captain Lamb, who was charged with Dispatches respecting the Morocco Business, and who might long ago have been expected in Europe, had not arrived; renders it expedient to forward Duplicates of those Dispatches without Delay.

Agreed to.

The Paragraph which mentions that "the Court of France is concerned to find that our Credit is not better supported in the Payment of the interest Money due on our Loans &c." Should in the Opinion of your Secretary be referred to the Treasury Board.

[1] This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, III, folio 183. According to indorsement by Thomson it was made October 3, and Thursday, October 7, assigned for consideration. A printed copy is on folio 181 on which Thomson has indorsed: "Monday Oct. 10, 1785, Assigned for Consideration." The words in brackets were inserted by Congress and the words lined out so appear in the original motion and not in the Journal.

Order taken concerning this. See letter of Secy of Congress 4 March, 1786.

As to the Present made to Doctr Franklin by the King of France, your Secretary thinks a like Order should be taken in this Case, which was done in a similar one the 1st December, 1780.

The Doctor in a postcript to his Letter mentions his having transmitted all the original Treaties he had been concerned in negotiating that were compleated, by his late Secretary, this Gentleman who has been many years in that Capacity is his Grandson, of whom in his Letter to Congress of 12th March 1781 and in others, he makes particular and honorable mention. The following is a list of the Papers which he delivered to your Secretary vizt—

Original Treaties of Alliance, and of Amity and Commerce with his most Christian Majesty, and the Article separate and secret.

Ratifications of the foregoing Treaties, with the Seal of the last enclosed in a silver Box.

Declaration of the Count de Vergennes relative to the 11th & 12th Articles on the Part of his most Christian Majesty.

Original Contracts of 16th July, 1782. and 25th February, 1783, with their Ratifications.

Convention respecting Consuls.

Original tobacco Contract with the Farmer's General of France 17th November, 1781.

Powers to Count de Creutz, Ambassador of Sweden to form a Treaty with America.

Original Treaty with Sweden, and the Ratification of it by the King of Sweden, with the Seal enclosed in a silver Box.

Ratification of the provincial Articles by his Britannic Majesty with the Seal enclosed in a silver Box.

Original definitive Treaty (marked Duplicate) with its Ratification. and the Seal enclosed in a silver Box.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 445. According to indorsement it was read this day.

Also, on this day, according to indorsement, was read a letter of October 11 from the Secretary for Foreign Affairs forwarding a copy of a letter from Comte de Vergennes to Benjamin Franklin on the departure of the latter from France. It is in No. 80, II, folio 21; the translation of Vergennes' letter is on folio 26.

THURSDAY, OCTOBER 13, 1785.

Congress assembled. Present as yesterday.

The journal of yesterday being read, a motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to amend it by inserting a motion which was referred to the grand committee.

On this, a question of Order was moved by Mr. [Rufus] King, in the words following:

Is the Motion of Mr. [David] Howell in Order?

On this question, the president called for the judgment of the house. And the question being stated, a motion was made by Mr. [David] Howell, seconded by Mr. [William Samuel] Johnson, to strike out the word "in," and in lieu thereof to insert "out of." So that the question be, Is the motion of Mr. [David] Howell out of order?

And on the question to agree to this amendment, the yeas and nays being required by Mr. [David] Howell,

New Hampshire,		
Mr. Long,	no	*
Massachusetts,		
Mr. Gerry,	no	no
Holten,	no	
King,	no	
Rhode Island,		
Mr. Ellery,	no	div.
Howell,	ay	
Connecticut,		
Mr. Cook,	ay	ay
Johnson,	ay	
New York,		
Mr. Haring,	no	no
Smith,	no	
New Jersey,		
Mr. Houston,	no	no
Cadwallader,	no	
Pennsylvania,		
Mr. Gardner,	no	div.
Jackson,	ay	
Maryland,		
Mr. Hindman,	no	*
Virginia,		
Mr. Lee,	ay	ay
Grayson,	ay	
North Carolina,		
Mr. Cumming,	no	*
South Carolina,		
Mr. Read,	no	no
Pinckney,	no	
Kean,	ay	
Georgia,		
Mr. Habersham,	no	no [1]
Baldwin,	no	

[1] This vote is entered in the Journal by Benjamin Bankson and Roger Alden. The motion referred to was made by David Howell; the text of it seems not to have been recorded. See *ante,* October 12.

So the question was lost.

On the question, is the motion of Mr. Howell in Order? The question was lost.

The board of treasury having reported, That in the states of South Carolina and Georgia, there are two joint loan Officers; that in Delaware, Mr. Patterson, the late loan Officer, is dead; and that in the state of New Jersey, Mr. Borden has for some time, on account of his age and infirmities, done no business:

Resolved, That tomorrow be assigned for electing Commissioners of the Continental loan Office, in the States above mentioned.

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, That the grand committee, to whom was referred a Motion in the words following, viz. That a committee be appointed to devise and report an additional Article to the confederation, to be submitted to the legislatures of the several states, for the purpose of admitting into the federal Union, on certain terms to be specified in the said article, any part or district of any of the United States provided that the legislature of the state to which such district may belong, shall join with the people of such district in an Application to Congress, for the exercise of the power and Authority aforesaid, be directed to report as soon as may be.

On this the previous question was Moved by the State of South Carolina, seconded by Massachusetts; and on the question to agree to the previous question, the yeas and nays being required by Mr. [David] Howell,

New Hampshire,			*Rhode Island,*		
Mr. Long,	ay	*	Mr. Ellery,	no	no
Massachusetts,			Howell,	no	
Mr. Gerry,	ay	ay	*Connecticut,*		
Holten,	ay		Mr. Cook,	ay	ay
King,	ay		Johnson,	ay	

New York,		
Mr. Haring,	ay	ay
Smith,	ay	
New Jersey,		
Mr. Houston,	ay	ay
Cadwallader,	ay	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Maryland,		
Mr. Hindman,	no	*
Virginia,		
Mr. Lee,	ay	ay
Grayson,	ay	
North Carolina,		
Mr. Cumming,	ay	*
South Carolina,		
Mr. Read,	ay	ay
Bull,	ay	
Pinckney,	ay	
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	ay
Habersham,	ay	
Baldwin	ay	

So it was resolved in the affirmative.[1]

On motion of the Delegates for Massachusetts,

Resolved, That Copies of the papers and documents received from the Governour of the State of Massachusetts respecting the encroachment made by certain Subjects of His Britannic Majesty upon the territories of that State, and within the boundaries of the United States, be transmitted to the Minister plenipotentiary of the United States at the Court of London, to the end that effectual measures should be immediately taken to settle all disputes with the Crown of Great Britain, relative to that line.

Resolved, That the said Minister plenipotentiary be and hereby is instructed, to present a proper representation of this case, and if an adjustment consistent with the true meaning of the definitive Articles of Peace and friendship between the United States and

[1] From this point, the text of the Journal proper was entered only in the manuscript Secret Journal, Foreign Affairs No. 5, by Benjamin Bankson, and in Secret Journal, No. 4. A copy is in Secret Journal, No. 6, Vol. III.

his Britannic Majesty cannot by such representation be obtained in the ordinary mode of negotiation; that he propose a settlement and final decision of the said dispute by Commissaries mutually appointed for that purpose; for the appointment of whom, and for all purposes incident to the final determination of the said dispute by Commissaries conformably to the Laws of Nations, the said Minister plenipotentiary is hereby vested with full powers on behalf of the United States of America. ~~Provided that the s^d^ commissaries do not exceed three in number on each side, exclusive of an umpire.~~[1]

On the report of a Committee, consisting of Mr. [William] Grayson, Mr. [Abraham] Baldwin, Mr. [Rufus] King, Mr. [John] Kean and Mr. [William Samuel] Johnson, to whom was referred a Letter of the 26th September, from the Secretary for Foreign affairs, with a note from the Hon^bl^ Don Diego de Gardoqui, Encargado de Negocios of his Catholick Majesty.

Resolved, That the Secretary of the United States for the Department of Foreign Affairs be directed to inform Don Diego de Gardoqui, Encargado de Negocios for the King of Spain, that although Congress conceive they have an undoubted right to all the territory within the limits specified in the definitive ~~treaty~~ Articles of peace and friendship between the Crown of Great Britain and these United States, yet they view with real concern the unwarrantable attempts of any Individual of these States to disturb the good understanding which ~~now~~ so happily subsists between the two Nations, and which they hope ~~may~~ will be perpetual.

[1] This report, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 20, I, folio 189. According to indorsement it was passed this day. The words lined out so appear in the report, but not in the Journal.

That Congress are the more affected on this occasion, as all matters of dispute are now in a train of negotiation, and they have no doubt from the justice and magnanimity of his Catholick Majesty that every subject of controversy will be ultimately adjusted to the mutual satisfaction of both parties.

That the Delegates of the State of Georgia, on behalf of the said State, disavow the appointment of Thomas Green ~~or any other person~~ to act as Governour in those parts; and farther declare, that the emigrants to that Country were expressly inhibited from ~~disturbing~~ interrupting the Subjects of Spain, or any other persons whom they might find in possession of the territory or any part thereof.

That Congress will adopt every measure in their power to prevent the publick tranquility from being in any degree disturbed, and that they have the highest confidence in the honor, integrity and candour of the said Encargado de Negocios, that he, being convinced of the good intentions of Congress, will make such a representation to his Court as may remove every subject of inquietude arising from the transactions alluded to in his note to the Secretary for the Department of Foreign Affairs.[1]

[Motion of Delegates of Georgia]

Whereas it is represented by the delegates for the state of Georgia, that the Commissioner for settling the accounts of the army has not issued individual certificates for pay and commutation to each of the officers and soldiers of the Georgia line, as he has done in the other

[1] This report, in the writing of William Grayson, is in the *Papers of the Continental Congress*, No. 25, II, folio 449. According to indorsement it was read this day and passed; the words lined out so appear in the report, but not in the Journal.

On this day, according to the indorsement, the report of the Secretary for Foreign Affairs, of April 21, on the Eastern Boundary, was postponed.

states, but has given a general certificate for the sum by him found due from the United States as the pay and commutation of said officers and soldiers agreeably to subsisting resolves of congress.

Resolved, That the loan officer for the state of Georgia issue interest certificates on the said certificate of the Commissioner as on other liquidated debts of the United States.[1]

OFFICE FOR FOREIGN AFFAIRS,
13th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred back his Report of the 19th Ult: respecting Consuls—accompanied with a Motion of the Same Date, Reports—

That agreeable to what he conceives to be the Design of this Re-reference, he has endeavored to contract the Plan contained in that Report, and to adapt it more immediately to our present Circumstances.

Viewing the Subject in that point of Light, he is of opinion, that it would be expedient to vest the Minister of the United States at the Court of Madrid, with the Powers of a Consul General, for Spain and their adjacent Islands vizt the *Canaries* and *those* in the Mediterranean. And that the Chargé des Affaires there, be authorised to excercise those Powers for the present.

That Consuls should be appointed to reside at Bilboa, Cadiz, Malaga, Alicant and Barcelona. That their Jurisdictions be so extended and ascertained, as that every Port in the Kingdom be comprehended within one or the other of the five Consulates. That a Consul be also appointed for the Canaries, to reside at Teneriff.

That it would be expedient to send a Resident to Portugal, to give him an adequate Salary, which your Secretary thinks would be about one thousand pounds sterling a Year, and to vest him with the Powers of a Consul General for that Kingdom, and for the Madeiras.

That one Consul should be appointed for Portugal to reside at Lisbon, and one for the Madeiras, to reside at Madeira.

[1] This motion, in the writing of Abraham Baldwin, is in the *Papers of the Continental Congress,* No. 36, III, folio 185. According to Committee Book No. 190, it was referred to the Commissioner of Army Accounts, who reported October 14, and Committee Book No. 191 states that the report was filed.

On this day, as the indorsement states, was read a memorial of Increase Carpenter and John Carpenter to be paid for cattle purchased for the army in 1779 and 1780, and referred to the Board of Treasury to report. The indorsement further states that a report was rendered March 22, 1786. The memorial is in No. 42, II, folio 188.

That until all Questions relative to the Convention with France, now under the Consideration of Congress, shall be settled; it would be expedient to postpone all other measures respecting Consuls for that Kingdom.

That it would be expedient to vest the Minister of the United States at the Hague, with the Powers of a Consul General; and that one Consul for the United Netherlands be appointed to reside at Amsterdam.

That it would be expedient to vest the Minister of the United States at the Court of London with the Powers of a Consul General for Britain and her adjacent Islands—but as the Government of that Country is administered according to fixed Laws, which as well as their Language and Customs are well known to the people of America, your Secretary thinks there can be but little Use for Consuls in any of their Ports, at least before we have a Treaty of Commerce with them. But lest he should be mistaken in this Opinion, and that Consuls would now be useful; he is inclined to think it would be sufficient to place them at London and Bristol in England, and at Dublin and Cork in Ireland—as to Scotland he cannot judge whether any should be sent there, or if any, to what Ports, in preference to others—the far greater part of the american Trade to Scotland, being carried on in british Vessels.

Whether the present Commerce of the United States with the northern Powers, with Germany and the easterly Shores and the Islands of the Mediterranean, calls for Consuls immediately, your Secretary cannot determine with Certainty—he rather thinks they may at present be dispensed with. He ought however to observe that we have a Treaty of Commerce with Sweden, that they have a Consul here, and that from his Accounts, our Trade is remarkably favored there.

Your Secretary for the Reasons stated in his Report, is of opinion that the before mentioned Consuls should have no Salaries but be permitted to Trade. As to Fees, he can readily suppose that in certain Cases, it would be proper to provide for and ascertained them; but as he doubts the present Power of Congress to charge either vessels or Persons with the Payment of them, he thinks it would be prudent in all Cases to prohibit the Consuls from demanding or receiving any Fees or Perquisites.

Your Secretary, from Regard to that Subordination, which ought to be observed in every Department, thinks that the Consuls General should have Power to suspend for good Cause, any Consul within their

respective Jurisdictions, and to appoint another to fill his Place until the Pleasure of Congress be known, to whom the Consul General should immediately give Notice of such Suspension and of his Reasons for it.

Your Secretary is further of Opinion that the Consuls General should be so strictly restrained from Commerce, as that on due Proof made of their being either directly or indirectly concerned in it, they should be dismissed from the Service of Congress.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

OFFICE FOR FOREIGN AFFAIRS,
13th October, 1785.

SIR: Your Excellency will find herewith enclosed a Letter from Chevalier Jones of 6th August, and a Copy of a Letter (which is the same that is published in the Philadelphia Paper of the 11th Instant) from Monsieur Soulanges, dated 14th July last, to the Judges and Consuls at Nantes, informing that the Algerines had declared War against the United States.

As their late Peace with Spain has rendered their Armaments unnecessary against that Power, they probably chuse to turn them against us, to prevent their being useful, and in Hopes of acquiring considerable Booty. This Peace, if the public Accounts are true,

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, p. 449. According to indorsement it was read this day and Monday, October 17, assigned.

Also on this day, according to indorsement, was read a letter of October 12 from the Board of Treasury, concerning filling of vacancies in the Loan Offices in various States. It is in No. 140, II, folio 107.

Also, according to indorsement and Committee Book No. 190, was read a letter of October 13 from the Secretary for Foreign Affairs respecting the claims of Joseph Gardoqui & Sons, of Bilboa, on the Eastern Navy Board, and referred to the Board of Treasury to report. A report was rendered October 25. Jay's letter is in No. 80, II, folio 33.

Also, according to memoranda in Committee Book No. 190, the following nominations were made for Commissioners of the Continental Loan Office:

Richard Wylly, for Georgia by the Delegates for that State.

Edward Blake, for South Carolina by the Delegates for that State.

George Davis, for New Jersey by Mr. [Lambert] Cadwallader. "withdrawn" but no date given.

James Ewing, for do. by Mr. [William Churchill] Houston. "withdrawn."

John Beatty, for do. by Mr. [David] Howell. "withdrawn."

Isaac Smith for do. by Mr. [Jacob] Read.

William Gibbs, "for Sº C. by delegates for that State."

gives those Pirates just matter of Triumph, and in this Moment of their Exultation, I am inclined to think that an advantageous Treaty with them is not to be expected,

This War does not strike me as a great Evil, the more we are treated ill abroad, the more we shall unite and consolidate at Home. Besides, as it may become a Nursery for Seamen, and lay the Foundation for a respectable Navy, it may eventually prove more beneficial than otherwise. Portugal will doubtless unite with us in it, and that circumstance may dispose that Kingdom to extend commercial Favors to us farther than they might consent to do, if uninfluenced by such Inducements. For my Part, I think it may be demonstrated, that while we bend our Attention to the Sea, every naval War which does not do us essential Injury will do us essential Good.

I have the Honor Etc.

JOHN JAY.[1]

His Excellency the PRESIDENT OF CONGRESS.

FRIDAY, OCTOBER 14, 1785.

Congress assembled. Present as before.

According to order, Congress proceeded to the election of Commissioners of the continental loan Office, and, the ballots being taken, Mr. Richard Wylly was elected commissioner of the Continental loan office for the State of Georgia, having been previously nominated by the delegates for that state. Mr. Edward Blake was elected Commissioner of the Continental loan office for the State of South Carolina, having been previously nominated by the delegates of that State. Mr. James Tilton was elected commissioner of the Contin-

[1] This letter is in the *Papers of the Continental Congress*, No. 80, II, folio 37. According to indorsement it was read this day and "Ordered That this be referred back to the Secy. for foreign Affairs. That he transmit to the several States, copies of the letters enclosed and report with all convenient speed." Jay's letter and also that from John Paul Jones, dated L'Orient, October 6, 1785, and also Soulanges' of July 14 from Toulon, are entered in Resolve Book No. 123, where the order, as quoted, is also entered by Benjamin Bankson, with the additional note:

"Secretary for Foreign Affairs reported October 20th which report was referred March 29, 1786 to a Committee consisting of Mr. Johnson, Mr. Monroe, Mr. Pinckney, Mr. Kean & Mr. Dane who reported April 5 following."

ental loan office for the State of Delaware, having been previously nominated by Mr. [John] Vining. Mr. James Ewing was elected Commissioner of the continental loan Office for the State of New Jersey, having been previously nominated by Mr. [William Churchill] Houston.

On a report from the Secretary for foreign Affairs, to whom was referred a letter of 26 June, from Mr. Dumas,

Resolved, That in consideration of the valuable services of Mr. C. W. F. Dumas, of the city of Amsterdam, in the United Netherlands, he be allowed and paid a salary of thirteen hundred dollars per Annum, that the said salary commence the 19th day of April, 1775, and continue till the further order of Congress, he continuing his services; and that he be charged with all such sums of Money as may have been heretofore advanced to him from the United States.[1]

The Commissioner of the Army accounts to whom was referred the motion made by the Delegates of the State of Georgia respecting the certificate given by him for advances made to the Line of that state, begs leave to report.

That the accounts of this Line being so fully discharged by the State and so blended in each other, it became necessary for your Commissioner to take up the settlement of the whole arrears due for pay, rations and commutation, from the commencement to the end of the war.

That your Commissioner did accordingly, where the State had not made sufficient advances to cover the demands of the officer, issue his certificate for such ballance as was found due to such officer—and did also give to the State a general certificate of the sum, that on a final settlement of the accounts of the line, he found the State had paid to the officers; wherein he ascertained the respective periods on account of which the payments were made, and certified the same to be passed to the credit of the State agreeably to the resolution of Congress of June 1st 1784 which certificate, thus issued to the State,

[1] This resolution was also entered, by Benjamin Bankson, in the manuscript Secret Journal, Foreign Affairs, No. 5. The original motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, III, folio 187. See *ante*, December 10, 1784.

was not placed on interest by your Commissioner, as is the case of issues to individuals.

JNO. PIERCE.[1]

Office of Army Accounts
October 14, 1785

MONDAY, OCTOBER 17, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, South Carolina, and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long; from New Jersey, Mr. [William Churchill] Houston; from Virginia, Mr. [Richard Henry] Lee, and from North Carolina, Mr. [William] Cumming.

Congress being informed, that Mr. Samuel Hardy, one of the delegates for the State of Virginia, died this morning, and that it is proposed to inter him to Morrow evening,

Resolved, That Congress will, in a body, attend the funeral to morrow evening at five o'clock, with a crape round the left arm, and will continue in mourning for the space of one Month.

Resolved, That Mr. [William] Grayson, Mr. [Jacob] Read and Mr. [John] Kean, be a committee to superintend the funeral; and that the chaplains of Congress be notified to attend, and one of them officiate on the occasion.

Ordered, That the committee invite the Governor of the State, the Ministers of foreign powers, the Mayor of the city, and other persons of distinction in town, to attend the funeral.

[1] This report is in the *Papers of the Continental Congress,* No. 62, folio 87. According to indorsement it was read this day.

On this day, according to memoranda in Committee Book No. 190, the following nominations were made for Commissioner for the Continental Loan Office:

James Tilton, for Delaware by Mr. [John] Vining.

William O'Bryen } by the delegates of Georgia.
Nehemiah Wade }

Information being given, that Mr. James Green, late commissioner of the Continental loan Office for North Carolina is dead,

Congress proceeded to the election of a commissioner of the Continental loan Office for the State of North Carolina, and, the ballots being taken, Mr. William Skinner was elected, having been previously nominated by Mr. [William] Cumming.

OFFICE OF SECRETARY OF CONGRESS,
Oct. 15, 1785.

On the petition of captain Johannes Schrine an Indian chief of the Mohawk tribe, stating that in 1778 he was sent by genl. Schuyler with a letter and a flag to the british Officer at Niagara, who confined him in prison to the end of the war, by which he suffered much loss and inconvenience. And that he has received no pay during the war, although entitled to the pay of a captain,

Agreed to Sept. [Oct.] 17, 1785. R. H. LEE, P.

The Secretary of Congress reports,

That the petition be referred to the Secretary at War to report.[1]

OFFICE OF SECY. OF CONGRESS,
Oct. 15, 1785.

On the petition of "Peter Huet de la Valiniere, priest chosen to be a general vicar for New Skotland which he has refused" stating his losses and sufferings and praying for an answer, 1. concerning some succour; 2d. concerning the recovery of his baggage which he left last spring at Newbury; and, 3rdly. concerning his being employed at Illinois or some other place.

Agreed to Sept. [Oct.] 17, 1785. R. H. LEE, P.

The Secretary of Congress reports,

That the said petition be ~~filed~~ referred to the Board of treasury to report.[2]

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[1] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 180, *Reports of the Secretary of Congress*. According to Committee Book No. 190, the Secretary at War delivered a report January 17, 1786. Schrine's petition is in No. 151, folio 145.

[2] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 180, *Reports of the Secretary of Congress*.

[Motion of Mr Pinckney]

That the board of treasury be directed to procure with all possible expedition a suitable vessel of about tons burthen and have the same Completely equipped for the purpose of going as a flag to the Emperor of Morocco and the Regencies of Tunis, Tripoli and Algiers; and that the Secretary for foreign affairs be directed to report the draught of such instructions as it may be necessary to furnish the person with carring such flag to inform the said powers of Congress's ~~willingness~~ desire to enter into treaties with them, and of the steps they had previously taken to ensure their friendship, and requesting that there might be a suspension of hostilities on their part until the arrival of the person charged with the negotiation of the said treaties.[1]

WEDNESDAY, OCTOBER 19, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long, and from Virginia, Mr. [Richard Henry] Lee.

On a report of a committee, consisting of Mr. [William] Grayson, Mr. [John] Lawrance and Mr. [Lambert] Cadwallader, to whom was referred a petition of W. Popham,

Resolved, That it be, and hereby is recommended to the State of Delaware, to settle the accounts of William Popham, late a captain and aid de camp in the service of the United States, agreeably to the resolve of Congress of the 21st of February, 1783.

[Motion of David Howell]

That the Board of Treasury superintend the conduct of all officers in the Treasury department, and of the several commissioners appointed for the settlement of the public accounts, and in case any of

[1] This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress,* No. 81, I, folio 465. According to indorsement it was made this day and referred to the Secretary for Foreign Affairs to report.

On this day also consideration of the report of the Secretary for Foreign Affairs on consuls was carried over to October 24.

said officers unnecessarily absent themselves from their respective offices, or engage in any other business either of a public or private nature inconsistent with the duties of their appointments, that said Board make report thereof to Congress in order that such measures may be taken thereon as may be necessary.[1]

BOARD OF TREASURY,
17th Oct, 1785.

The Board of Treasury to whom was referred the Petition of Daniel Gray of Stamford in the State of Connecticut, relative to a certain Balance claimed by him as an Assistant Commissary of Purchases under the late Commissary Trumbull, beg leave to Report.

That having referred the said Memorial to the Commissioner for settling Accounts in the Commissary General's Department in order to ascertain the merits of the Claim of the said Memorialist, the said Commissioner has reported to the Board as follows:

"That the said Daniel Gray stands charged in the Books of the late Mr. Commissary Trumbull with the sum of sixty nine thousand five hundred Pounds 3/ lawful money of the State of Connecticut advanced to him as an Assistant Commissary of Purchases"

"That in the said Books no credit is entered in favor of said Daniel Gray for the expenditure of any part of the sum with which he stands charged; but that to account for the same, he produces several receipts signed by William Hoskins and Richard Phillips Assistants in the Commissary General's Office for Accounts and vouchers delivered into the said Office for examination, amounting (as sum'd up by the said Daniel Gray) to the sum of seventy three thousand nine hundred and sixty one Pounds, five shillings and eleven Pence lawful Money of Connecticut. That these accounts cannot now be found; and that the Memorialist therefore claims the supposed Ballance of four thousand four hundred and sixty one Pounds two shillings and eleven Pence, lawful money together with commissions of two and a half per cent on the whole expenditures"

[1] This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 26, folio 569. According to indorsement it was made this day and referred to Mr. [Rufus] King, Mr. [David] Howell and Mr. [William] Hindman. Committee Book No. 190 states that they reported November 1. See also *post*, December 28, 1785.

On this day, as the indorsement states, was read a petition of Dominick L'Eglise, which was referred to the Board of Treasury to report. It is in No. 42, IV, folio 396; the Board's report was read October 24.

"That on a presumtion that the said accounts and vouchers might have been delivered into the office of the Commissioners of accounts at Hartford, the returns made by the siad Commissioners of accounts settled by them have been examined, and Although they consist of transactions under the said Commissary Trumbull the papers of Mr. Gray are not amongst them, neither does his name appear in their books"

"That of all the accounts which originated under the late Commissary Trumbull those of the Memorialist only are missing; that he has no copy of their general state, or any original entries to produce, from which the nature of the charges may be discovered"

"That the claims set up by the said Memorialist exceed the sum of twenty thousand specie dollars; and that the general opinion entertained of his character will not justify a blind and implicit confidence in the accuracy and propriety of his charges"

From this representation of the circumstances attending the claim of the Memorialist, The Board submit to the consideration of Congress the following Resolve viz,

That the Memorial of the said Daniel Gray cannot at present be taken under consideration.[1]

The Committee consisting of [Mr. William Ellery, Mr. Joseph Gardner and Mr. Hugh Williamson] to whom was referred the Memorials of [Captains Jordan and Wylie] several officers of the late Corps of Artificers, praying that in settling their accounts they be allowed the commutation of half-pay as founded on justice, or the Acts of Congress Beg leave to report.

That the claims of those officers do not appear to be founded on the usage of nations, nor in equity, they believe that half-pay has been allowed to military officers, partly from a regard to the hardships and personal dangers to which they were exposed, but chiefly from a consideration that by a long continuance in the military line, they may have lost those habits, by which they formerly had been enabled to provide for themselves or families, which reasons do not apply so fully to the officers of the Artificers.

Your committee are of opinion that their sole rule on this occasion must be the Acts of Congress respecting the Officers in the Corps of

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, 561. According to the indorsement it was read this day. Committee Book No. 191 notes that it was transferred.

Artificers and they do not find any resolution by which they are entitled to half-pay or commutation, on the contrary they seem to be expressly cut off from any such claim.

The original Act of Congress of May 15th 1778, by which half-pay was promised for seven years, confines the same to *military officers*, which certainly did not include the Artificers and your committee are of opinion that in all subsequent acts which relate to half-pay, the same denomination of officers must be intended unless in cases where other officers are expressly mentioned. Surely the Acts of October 2d, 1780, promising half-pay to officers who might be deranged never could be construed as giving half-pay to any class of officers who had no claim to half-pay had they continued in service to the end of the war.

If any doubts could have arisen whether the Artificers were intended in the promise of half-pay, it must be fully removed by the Act of the 16th November, 1779. It was then resolved, that it be recommended to the several States, to allow the Corps of Artificers established by Congress the 12th Instant all the benefits provided for officers and soldiers in the line of their quotas of the Continental Battalions, except the half-pay. After this pointed and express exclusion of those officers from the allowance of the half-pay your Committee are of opinion that nothing but a subsequent promise equally pointed and express, can give them a title to the same.

None such has been made, wherefore they submit the following resolve. That the officers of the late Corps of Artificers in the service of the United States are not entitled to half-pay or the commutation of half-pay.[1]

The Committee of the Week on the Memorial of Azariah Horton, late a Deputy Commissary Genl of Musters in the late Army of the United States, praying that he may be allowed the depreciation on his pay while he continued in service, beg leave to report,

That the case of Mr. Horton does not come within the purview of the act of Congress of the 10th April, 1780, granting depreciation in the first instance, as the department to which he belonged was abolished the 12th of January preceding and one year's extra pay allowed

[1] This report, in attested copy form, was enclosed in a report of the Secretary at War, of July 30, 1788, and is in No. 151, folio 381. It was also entered, by Benjamin Bankson, in *Resolve Book* No. 123, where it is noted, as is also the case in *Committee Book* No. 190, that it was referred October 19 to the Commissioner of Army Accounts to take order. A previous report dated August 9, 1785, of the Commissioner, John Pierce, on Jordan's and Wylie's memorials is noted by *Committee Book* No. 191 as filed on that date. See *ante*, March 24, and *post*, August 28, 1786.

to each of the Officers who had continued in the department eighteen months previous to its abolition. The Committee therefore are of opinion that for the present, the prayers of said Horton's Memorial cannot be complied with.

The Committee of the Week on the Memorial of Richard Claiborne, late a deputy Quarter Master in the service of the United States praying for the allowance of depreciation on his pay during the time he was in service, which commenced the 12th day of September, 1778, and ended the 5 of August, 1780, the whole not being quite two years, beg leave to Report—

That the Act of Congress of the 10th of April, 1780, granting depreciation in the first instance does not comprehend the claim of Mr. Claiborne, they are therefore of opinion that the prayer of his Memorial for the present cannot be granted.

October 19, 1785: That the two foregoing Reports of the Committee of the Week on the Memorials of A. Horton and R. Claiborne be referred to the Secretary of Congress to take order.

Order taken 10 May, 1786. See Secretary's Letter Book p. 50 and 51.[1]

THURSDAY, OCTOBER 20, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Connecticut, New York, Maryland, Virginia, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long, and from Pennsylvania, Mr. [David] Jackson.

Office for Foreign Affairs,
20th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Letter of 13th Instant to his Excellency the President, and one from Chevr Jones to him of 6th August last, with a Copy of a Letter from Mr Soulanges to the Judges and Consuls at Nantes, informing that the Algerines had declared War against the United States. And also a Motion of the Honorable Mr Pinckney of 17th October, Instt Reports—

That this Declaration of War being unprovoked, and made solely with Design to acquire Plunder, it would not in the Opinion of your

[1] These reports and order, were entered by Benjamin Bankson in Resolve Book No. 123. The reports however must have been made prior to August 29 or shortly thereafter as the Committee of the Week ceased to function at that date.

Secretary, become the United States to answer it by Overtures for Peace, or Offers of Tribute.

That Duplicates of the Dispatches relative to Treaties with the Barbary States carried by Capt Lamb, who it seems had not arrived when Doctr Franklin left France, should be forthwith sent to our Ministers, with Instructions to proceed with the other States, but to take no Notice of Algiers.—

That both the Honor and Interest of the United States demand that decided and vigorous Measures be taken to protect the american Trade and meeting these predatory Enemies in a proper Manner.

That it should be recommended to the american Merchants, who traffic to Spain, Portugal, the Mediterranean and to the Madeiras and Canaries, to employ none but Vessels well armed and manned; and as the Expense of complying with this Recommendation would exceed the usual Profits of their Voyages, your Secretary thinks it should be—

Resolved, That every american built Ship, capable of carrying twenty Guns or more, which any american Merchant may desire to send to those Parts for Trade, shall be supplied by the United States with military Stores, and with Money to pay the Men necessary to man her, and that an Ordinance directing the Manner in which this Resolution shall be executed, be immediately prepared.

That in the Opinion of your Secretary five forty Gun Ships should be forthwith built and put under the Direction of a brave experienced Commodore, for the Purpose of cruizing in those Seas, during the Seasons proper for it.—

That the Board of Admiralty should be organized and put in condition to execute its Functions; and that in his opinion one good Commissioner would be more useful and responsible than any greater Number.

That a requisition should be made to the States for the Supplies necessary for the Purposes aforesaid.

That a Minister or Envoy should be sent to Portugal, and instructed, among other things, to negociate for such an Alliance, as may provide for a Co-operation of Forces and Mutual Defence against the common Enemy, and restrain both Nations from making a separate Peace. That to favor this Design, and on Condition of their acceeding to such Proposals, it would be well to agree that no portugal Productions should be imported in the United States, nor any american Productions imported into portugal Ports, except in

the vessels of Portugal or the United States. Such a Restriction would make it the Interest, and consequently the Wish of other commercial Nations, rather to see the War terminated than continued. Were it not for the Stipulations with France, Sweden &c: whereby they are to be treated like the most favored Nations, your Secretary thinks that it would be politic to prohibit all Nations at Peace with Algiers from bringing any Thing to this Country which was not produced in their own; and also from carrying any Thing from hence, except on their own account, and directly to their own Ports. As arguments may be drawn from these Stipulations against such a Prohibition, it might occasion Discontent and Complaint—but he nevertheless thinks it merits Enquiry, whether the Condition of War against Algiers, would not be a good Consideration to ground it upon, and whether the Prohibition would end with the War, it ought to be considered as a Violation of those Stipulations.—

Your Secretary takes the Liberty of observing that he has calculated the aforegoing Report on a Presumption that the United States extend their Views and Wishes to naval Strength and maritime Importance; and he thinks the time is come for the final and decided Determination of this Question vizt Whether it would be more wise in the United States to withdraw their Attention from the Sea, and Permit Foreigners to fetch and Carry for them; or to persevere in concerting and pursuing such Measures as may conduce to render them a maritime Power? It is only in the latter Case, that this Report will deserve any Attention.

As to the Motion referred to your Secretary, he thinks the Measure recommended in it would be Expedient, except with Respect to Algiers, to whom in his Opinion no Overtures should now be made.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 455. According to indorsement it was read October 20 and "Monday next assigned for consideration. This with the papers referred to be printed. 1. This report. 2. letter of 13 from Sec^y for for^n Affairs. 3. Capt. Jones' letter of 6 Aug. 4. Soulanges letter. 5. Mr. Pinckney's Motion. No^s 3 & 4 transmitted to the Office f: f: Affairs Novr 6th 1787. See Report of Com^ee on this report April 5th 1786." See also *post*, March 29, 1786.

Apparently one of the papers also considered at this time as a part of this business was a petition from Richard O'Bryen and others, prisoners in Algiers, dated August 28, 1785. It is in No. 42, VI, folio 117. Committee Book No. 191 notes that the entire business was transferred.

FRIDAY, OCTOBER 21, 1785.

Six states only attending; viz. Rhode Island, Connecticut, New York, Maryland, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long; from Massachusetts, Mr. [Rufus] King; from Pennsylvania, Mr. [David] Jackson, and from Virginia, Mr. [Richard Henry] Lee:

The president adjourned Congress till 11 o'clock tomorrow.

SATURDAY, OCTOBER 22, 1785.

One State only attending; namely, Maryland, and from the state of New Hampshire, Mr. [Pierse] Long; from Massachusetts, Mr. [Rufus] King; from Rhode Island, Mr. [David] Howell; from Connecticut, Mr. [Joseph Platt] Cook; from New York, Mr. [John] Haring; from Pennsylvania, Mr. [David] Jackson, and from Virginia, Mr. [Richard Henry] Lee, the president adjourned Congress till Monday next, 11 o'clock.

MONDAY, OCTOBER 24, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long, and from Connecticut, Mr. [David] Platt] Cook.

Congress resumed the consideration of a report from the Secretary for foreign affairs, respecting consuls:

["Motion respecting Consuls"]

Be it ordained

That the Ministers plenipo^{y} of the U. S. ~~to any power~~ be vested with the powers of Consuls general within their respective jurisdictions as ministers

That at the courts where no ministers reside the Chargé des affaires P. of the U. S. ~~residing at~~ s^{d} ~~points~~ be empowered to exercise the duties of Consul general

That Consuls shall reside at Bilboa, Cadiz, Malaga, Alicant, Barcelona, Teneriffe, Lisbon, Madeira, Amsterdam, London, Bristol, Liverpool, Glasgow, Belfast, Dublin, Cork, Copenhagen, Canton.

P.

That no Consul general or Consul shall on any pretence receive Salary, fees or perquisites of office.

Referred to Secretary for report of Customs of Nations.

That no Consul general being Minister resident or Chargé des affaires shall be concerned in any trade or commerce whatever.

P.

That the Consuls general be empowered to suspend any Consul within their jurisdiction for good reason ~~and to appoint another person to fill his place~~ and report the same to Congress who will ultimately judge of such suspension. And that they determine the boundaries of each consulate within their ~~respective~~ jurisdiction.

P.

That the Minister or Chargé des affaires of the U. S. at the Court of Spain, exercise the powers of Consul general in the kingdom of Portugal ~~also.~~[1]

Ordered, That the Secretary for foreign affairs, report the fees to be paid to Consuls, their respective jurisdictions and duties.[2]

That the following proposition being under debate, viz "that no consul gen[l] or consul shall on any pretence receive salary fees or perquisites of Office

Ordered, That the s[d] proposition be referred to the Secretary for foreign Affairs to report the customs of Nations in this respect.[3]

[1] This motion, in the writing of John Kean, is in the *Papers of the Continental Congress*, No. 25, II, folio 453. It is indorsed by Thomson: "Monday Oct. 24, 1785 determination of Question to agree to the whole of the paragraphs marked P postponed by State of Rhode island." Committee Book No. 190 notes under October 24: "the fees to be paid to Consuls &c and the customs of Nations in this respect" referred to the Secretary for Foreign Affairs to report, which he did October 31. See *post*, October 27.

[2] This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 25, II, folio 455.

[3] The above, in the writing of Charles Thomson, was added to Pinckney's motion. See *post*, October 27.

Also on this day was read a letter of October 11 from Joseph Borden requesting to be continued in the office of Commissioner of the Loan Office for New Jersey. It is in No. 78, folio 497. The indorsement states: "March 7, 1786,

OFFICE FOR FOREIGN AFFAIRS,
20th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Letter of the 8th Inst. to his Excellency the President enclosing one from the Consul of Sweden, Reports—

That in his Opinion Copies of the Consul's Letter should be sent to the different States, with a Resolution of the following Tenor.—

Whereas His Swedish Majesty hath been pleased to place the american Merchants, trading to the Ports of his Kingdom, exactly on the same Footing as swedish Merchants; so that american Ships and Merchandize which there arrive and are imported, are chargeable only with the same Duties and Imposts, as if they belonged to the Merchants of the Country. And whereas it is both proper and expedient, that such Marks of Liberality and Good Will towards the United States should meet with adequate Returns on their Part.

Therefore, *Resolved*, That it be and it is hereby recommended to the Legislatures of the United States, to provide by Laws, for that Purpose to be enacted, that the Ships and Merchants of Sweden trading here, be put exactly on the Same Footing with the Ships and Merchants of the United States, So long as the Ships and Merchants of the United States trading to Sweden, shall there continue on the same Footing with the Ships and Merchants of that Nation.

Your Secretary thinks it would also be proper to give a Copy of the aforegoing Resolution to the Swedish Consul, that by transmitting it to his Court, his Swedish Majesty may be induced to postpone making any Alterations in his commercial System respecting America, which it is probable he might otherwise be led to do, on finding that his Merchants did not enjoy reciprocal Priviledges in this Country.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

Referred to the board of treasury to take order for having the accounts of Joseph Borden, esqr late Comr of Continental loan Office for N. Jersey, settled and for receiving from him the books checks and papers belonging to that Office."

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 469. According to indorsement it was read this day. Soderstrom's letter, which Jay enclosed, is dated September 27 and is on folio 477.

Also, according to Committee Book No. 190, a letter of October 24 from Commissioner of Army Accounts, John Pierce, regarding the settlement of affairs of his office, was read and referred to the Board of Treasury to report. A report was rendered October 31. Pierce's letter is in No. 62, folio 57.

Also "motion of Mr. Howell for importing copper" was referred to the Board of Treasury to report.

BOARD OF TREASURY,
*Oct*r *22*nd, *1785.*

The Board of Treasury to whom was referred the petition of Dominique L'Eglise beg leave to report.

That they find by a petition and conference with the petitioner that he has a certificate signed by the register of the Treasury for 1700 dollars, on which he has received no interest.

That the petitioner is willing to relinquish the principal upon the following conditions, Vizt.

"That an immediate payment be made of the interest which has already accrued, amounting to upwards of three hundred dollars," and,

That the interest amounting to one hundred and two dollars be paid annually during his life.

The Board are of opinion that as provision is made for the payment of interest on the domestic debt, to the 31st Decr, 1784, an appropriation of money upon the conditions above proposed is inexpedient.

They are further of opinion that the petitioner's situation is preferable to that of many others (who have probably suffered much more), from the enjoyment of an annual pension of one hundred, & twenty dollars. The following Resolve is therefore humbly submitted.

Resolved, That Congress having by the requisition of the 27th Septr last made a general provision for the payment of interest on the domestic debt the prayer of Dominique L'Eglise for a partial payment of interest cannot be complied with.[1]

TUESDAY, OCTOBER 25, 1785.

Four States only attending; namely, Rhode Island, Maryland, Virginia and South Carolina; and from the State of New Hampshire, Mr. [Pierse] Long; from Massachusetts, Mr. [Elbridge] Gerry; from Connecticut, Mr. [Joseph Platt] Cook; from New York, Mr. [John] Haring; from Pennsylvania, Mr. [David] Jackson, and from Georgia, Mr. [John] Habersham:

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 47. According to the indorsement it was read this day. Committee Book 191 states that both memorial and petition were filed. See *ante*, October 19.

The president adjourned Congress till eleven o'clock to Morrow.

The Board of Treasury to whom was referred a letter of the 13th October Inst: from the Secretary of foreign affairs transmitting to Congress a letter from Don Diego de Gaurdoqui, attorney for Joseph Gaurdoqui & Sons of Bilboa, relative to the claims of that House against the United States for certain disbursements made by them, by order of the Navy Board of the Eastern Department:

Beg leave to Report to Congress the following Resolve,

That the Board of Treasury take order for paying whatever balance shall appear due from the Navy Board of the Eastern Department to Joseph Gardoqui and Sons of Bilboa, on a certificate from the Commr of the Marine Department, ascertaining the same: and that the Navy be charg'd with the amount.[1]

WEDNESDAY, OCTOBER 26, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the state of New Hampshire, Mr. [Pierse] Long; from Connecticut, Mr. [Joseph Platt] Cook, and from New York, Mr. [John] Haring.[2]

The Board of Treasury to whom was referred the Memorial of Samuel Tudor, beg leave to Report—

That while no money appears to be due to the Memorialist (his accounts being unsettled) there would be an impropriety in making

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 525. According to the indorsement it was passed August 8, 1786, and the papers returned, that day, to the Office for Foreign Affairs. See *ante*, October 13.

[2] On this day, as the indorsement states, was read a petition of Elizabeth Bingham, praying for assistance. It is in the *Papers of the Continental Congress*, No. 42, I, folio 352.

Also, a letter of October 20 from William Paca, Governor of Maryland, with an act for alteration of the 8th article of the Articles of Confederation and a census of inhabitants taken in 1782. It is in No. 70, folio 539; a copy of the census is in No. 177, folio 23.

Also, according to Committee Book No. 190, a memorial from Marinus Willett on copper coinage was referred to the Board of Treasury.

him an advance, especially while the State of the Treasury is so exhausted that the creditors of the United States who have settled their accounts and to whom there are balances due cannot obtain their just demands.

The Board of Treasury submit for the consideration of Congress the following Resolve,

That the Memorial of Samuel Tudor praying for an advance of money previous to the settlement of his accounts with the United States cannot be complied with.[1]

Octr 25th, 1785.

THURSDAY, OCTOBER 27, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long, and from New York, Mr. [John] Haring.

An ordinance respecting Consuls having been debated on Monday last and amended to read as follows:

Be it ordained, That the ministers plenipotentiary of the United States, be vested with the powers of Consuls general. That at the courts where no ministers reside, the Chargé des Affaires of the United States, be empowered to exercise the duties of Consul general. That consuls shall reside at Bilboa, Cadiz, Malaga, Alicant, Barcelona, Teneriffe, Lisbon, Madeira, Amsterdam, London, Bristol, Liverpool, Glasgow, Dublin, Cork, Belfast, Copenhagen, Stockholm, Canton. That no consul general, being minister, resident or chargé des Affaires shall be concerned in any trade or commerce whatever. That the Consuls general be empowered to suspend any consul within their jurisdiction, for good reason, and report the same to Congress, who will ultimately judge of such suspension; and that they determine the boundaries of each consulate within their jurisdiction.

When the question to agree to this ordinance, was about to be put, the determination thereof was postponed by the state of Rhode Island.

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 459. According to the indorsement it was read this day. See *ante*, June 16.

After the public despatches were read, the determination of the question, which had been postponed by a state, was this day called for, and on the question to agree to the Ordinance, the yeas and nays being required by the State of Massachusetts,

New Hampshire,			*Maryland,*		
Mr. Long,	ay*		Mr. McHenry,	ay	div.
Massachusetts,			Hindman,	no	
Mr. Gerry,	ay	ay	*Virginia,*		
King,	ay		Mr. Lee,	ay	ay
Rhode Island,			Grayson,	ay	
Mr. Ellery,	no	no	*South Carolina,*		
Howell,	no		Mr. Bull,	ay	ay
New York,			Pinckney,	ay	
Mr. Haring,	no*		Kean,	ay	
Pennsylvania,			*Georgia,*		
Mr. Gardner,	ay	ay	Mr. Houstoun,	ay	ay
Jackson,	ay		Habersham,	ay	

So the question was lost.[1]

The Secretary of the United States for the department of war, to whom was referred a letter from Mr Carleton, of the war office, respecting courts martial and deserters, Reports,

That the forces of the United States being necessarily much detached, it will be impossible to bring to trial officers and capital offenders, agreeably to the existing articles of war, which require thirteen commissioned officers to constitute a general court martial.

He therefore is of opinion that the number necessary to form a general court martial should be reduced; and accordingly he proposes that five should be sufficient, in cases where a greater number cannot be obtained. There may be objections stated to this alteration; but he apprehends that no discipline can be supported unless offenders can be brought to a speedy trial, and punished. It was the opinion of many judicious officers, during the late war, that the discipline of the army would have been bettered, and justice as uprightly administered, had the courts martial been composed of a less number of

[1] The proceedings on this ordinance were also entered, by Benjamin Bankson, in the manuscript Secret Journal, Foreign Affairs No. 5. See *ante*, October 24.

members. The sickness or absence of members frequently protracted the trial to the most inordinate lengths, by which the service was extremely injured.

All proceedings of and evidences taken by courts martial being in writing, and submitted to an authority independent of the courts furnishes a great if not perfect security against unfair practices, whether the trial shall be had by few or many members.

Your Secretary submits in one section, all the Articles relating to the assembling and holding general, garrison and regimental courts martial, and the confirmation of their sentences. And as many of the articles are altered and differently arranged, and some new ones inserted, he thought it would render the subject more clear and easily understood to repeal the former articles on courts martial, than to insert the amendments of the respective articles. The following are the most material alterations exclusive of the above proposed reduction of the numbers necessary to form a court martial.

The oaths which were prescribed to be taken by officers composing a general court martial, are now extended to those of garrison and regimental courts martial; and the powers of garrison and regimental courts martial restricted to certain cases.

The resolution of Congress, December 24, 1779, respecting witnesses, is inserted to this section as the 10th article.

There having been different modes of arresting officers, it was thought necessary to direct explicitly the conduct to be observed by an officer during his arrests in article 15th.

An evil which operated to the prejudice of subordination, having crept into the practices of courts martial, is now intended to be remedied by the 13th article. Some persons who were tried instead of exculpating availed themselves of the oportunity of their defense before the court to vilify and abuse the persons who arrested them.

The 24th article is introduced to authorize officers to transport persons accused of crimes, together with the witnesses, from one place to another, to be tried; and it is also intended as a justification to the commanding officer for any expences which may be incurred thereby.

It was thought proper to provide that when an officer should be suspended from command, that he should also be suspended from his emoluments, in article 22d.

The subjects of courts of inquiry not being mentioned in the articles of war, they have been but vaguely understood. There are some cases

which seem to require a mode of investigation less rigorous than an arrest and a trial by a court martial, which leaves a kind of stigma, unless the accused shall have been acquitted in the most unequivocal manner. Suspicion of the character of an officer may be widely disseminated and the cause not be a subject for a court martial. In such a case the officer may find a court of enquiry essential to his happiness. An intended enterprize may have been frustrated by causes not visible to the Army; no accusation may be found against the commanding officer sufficient to justify the severity of an arrest and trial by a court martial, and yet an inquiry may be necessary, as well for the reputation of the party as for the public interest. In the probable detached state of the troops in future, courts of inquiry may be still necessary. A company being detached will have but three officers at most, who cannot form any species of a court martial as it is essential that the commanding officer should not be of the court. It may be possible that the witnesses cannot leave their station, to attend the trial of a prisoner at a distance in which case, the evidence taken by a court of inquiry may be admitted, upon the principles of the resolution of Congress December 24, 1779. The army was in the habit of having courts of inquiry during the late war, and they may still be in use. A regulation of them therefore is attempted by article 26th.

The subject of excepting to or challenging of members of a court martial, with or without shewing cause, has been considered. But although it may be proper, in a degree, to admit into courts martial, the practice of the courts of common law, in this instance, yet it will be extremely difficult to mark so precisely the degree as shall reconcile it with the energy of military discipline. In some cases, peremtory challenges ought and might be admitted, without injury; while in others the indulgence might be abused by criminals to postpone the trials until the expiration of their times of service. Peremtory challenges have been admitted in the American as well as in the practice of British courts martial; but no regulation of them is attempted in the articles of war of either nation. Upon a discussion of the question in his own mind, your Secretary is of opinion, that it would be prudent considering the difficulties and perplexity such an article might create, to omit it in the articles of war, and to suffer circumstances to govern the practice. Challenges with reason will always be regulated by the opinion of the court.

Should Congress not have time at present, to go into the consideration of the proposed amendments in general yet it is important that the numbers necessary to form a general court martial should be decided upon as soon as may be.

The subject of apprehending deserters has occupied the attention of your Secretary, who is of opinion that no principle which can be proposed will be so effectual for that purpose as rendering the officers responsible for the detection of deserters. That a reward of ten dollars is proposed to any person who shall secure a deserter, and that the reasonable extra expences incurred in the business shall be borne by the public. That to prevent any abuse of this regulation, the reward and expences are to be paid only on the certificate of the commanding officer. Upon these principles the resolutions which accompany this report are submitted.

In order to form a consistent system of martial law, it will be necessary to alter and modify several other sections of the rules and articles of war. These alterations may be made and presented to Congress at a future period.

All which is submitted to Congress.

H. KNOX.[1]

War Office, 27th September, 1785.

FRIDAY, OCTOBER 28, 1785.

Congress assembled. Present, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Virginia, and South Carolina; and from the State of New Hampshire, Mr. [Pierse] Long, and from Georgia, Mr. [William] Houstoun.

[1] This report is in the *Papers of the Continental Congress*, No. 151, folio 113. According to indorsement it was read October 27 and on March 9, 1786, referred to St. Clair, Lee and Lawrance. The resolutions referred to are not filed with the report.

On this day, according to the indorsement, was read a petition from Edward Keran, dated September 23, 1785, praying the adjustment of his accounts. It is in the *Papers of the Continental Congress*, No. 41, V, folio 103. It was referred October 28 to the Board of Treasury, which reported December 2.

Also, according to Committee Book No. 190, a petition of John Menard was this day referred to the Commissioner of Army Accounts "so far as it relates to his claim of pay as Capt. and Commissary."

Also the letter of July 29 from C. W. F. Dumas was referred to the Secretary for Foreign Affairs. A copy of this, which was numbered as despatch No. 60, is in the *Papers of the Continental Congress*, No. 115[B]

On motion of Mr. [Charles] Pinckney, seconded by Mr. [Elbridge] Gerry,

Whereas it is expedient that consuls should be appointed in the different States with which the citizens of the United States are engaged in Commerce; therefore,

Resolved, That the ministers plenipotentiary of the United States, in Europe, and where there is no minister, the chargé des affaires shall exercise the powers of a consul general, for the kingdoms or states in which they respectively reside, provided that no additional salary be allowed for such service.[1]

The Board of Treasury, having in pursuance of the resolution of Congress of the 11th October last taken into consideration the services of Lewis Nicola, and Talmage Hall late Agents for settling the accounts, and distributing the certificates of the late invalid corps, beg leave to submit to the consideration of Congress the following facts submitted to them by the Commissioners of Army Accounts.

That the pay and subsistence as a Colonel had been continued to Lewis Nicola, commanding the invalid Corps, to the 4th of November, 1783, although his duty as agent had commenced previous to that date.

That from the 4th of November, 1783, to the first day of June, 1784, the said Lewis Nicola was employed as an agent in adjusting, and settling the accounts of his Corps: and that from the extent, and intricacy of these accounts the said Talmage Hall, Pay Master of the said Corps was by general Orders fixed on as an Agent to assist in the settlement from his particular knowledge of the Regimental accounts.

That for the term above mentioned the said Lewis Nicola has drawn the sum of Thirty two Dollars per month and the said Talmage Hall Eight Dollars per month on account of subsistence.

That the said Lewis Nicola asserts that he was wholly employed in the distribution of the certificates of the said corps from the 1st June to the 15th October, 1784, and that he was partially employed after

[1] This motion was also entered in the manuscript Secret Journal, Foreign Affairs No. 5. It is in the writing of Charles Pinckney and is in the *Papers of the Continental Congress*, No. 33, III, folio 189.

that period to the time of the settlement of his accounts; and that the like declaration is made by Talmage Hall, who was employed in the distribution of certificates for that part of the regiment which belonged to the Eastern States.

That, in the opinion of the Commissioners, by this arrangement the business of this Agency was compleated in half the time it otherwise would have been, and that the evidence of the Agents as to the time they were employed derives weight from this circumstance that they have actually delivered certificates to an amount exceeding one hundred and eighteen thousand dollars to individuals of every State in the Union.

That the said Lewis Nicola has been employed five weeks in coming to this place, and in the settlement of his accounts, which he has finally closed with the commissioner of Army accounts, by a faithful state of the manner in which the certificates belonging to the corps have been issued.

That the said Lewis Nicola, and Talmage Hall have asserted on their honor that they have derived no benefit from their agency excepting the sum of one hundred and thirty four dollars received by Lewis Nicola, being the amount of a commission of two and a half per cent charged to certain persons who made purchases for a trifling consideration of the officers and soldiers certificates which said sum the said Lewis Nicola declares he was induced to receive when every other resource for the maintenance of a numerous family fail'd.

From these circumstances the Board are of opinion—That the pay and subsistence allowed to Col. Nicola to the 4th Novr, 1783, should be considered as a full compensation of his services as Agent to that period: but that he should be allowed for his services from the 4th Novr, 1783, to the 4th June, 1784 (being seven months), at the rate of forty dollars per month.

That the said Lewis Nicola should be allowed at the same rate for six months employed in distributing the certificates; deducting from the sums so allowed the sum of two hundred and thirty four dollars 7⁄90ths of a dollar received by said Nicola, on account of subsistence.

That the allowances above mentioned should be made to the said Talmage Hall for the periods aforesaid, deducting therefrom the sum of fifty six dollars, received by him on account of subsistence.

On these principles the Board submit to the consideration of Congress the following Resolves.

That there be allowed to Lewis Nicola the sum of two hundred and eighty six dollars eighteen ninetieths of a dollar in full for his services whilst employed in settling the accounts and distributing the certificates belonging to the late invalid corps.

That there be allowed to Talmage Hall late Pay Master of the Corps of Invalids the sum of four hundred and sixty four dollars in full for his services whilst employed in the Agency of said Corps.[1]

MONDAY, OCTOBER 31, 1785.

Congress assembled. Present as before.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Rufus] King,

That the following proposition for an addition to the 8th article of the Confederation, to be adopted by the several States for the term of 8 years, and if then approved to become part of the said 8 Article, viz. "The said taxes shall be laid and levied separate from any other tax, and paid into the treasury of the United States, and the names of the collectors of such taxes shall be returned by the states respectively, to to the treasurer, for the time being, of the United States, who, when directed by Congress, is hereby authorised, by himself or his deputy, to issue executions against any such collector, for so much of the said taxes, which shall have been committed to him to collect, as shall not be paid into the treasury aforesaid, within the time specified in the requisi-

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 193. According to the indorsement it was read this day and passed by nine States March 28, 1786.

Also on this day, according to indorsement, was read a letter from the Secretary for Foreign Affairs, dated August 27, 1785, forwarding two letters from John Adams, dated August 6 and 10 respectively and a letter from John Bondfield, of July 28. The Adams letters related to the temper of England regarding American trade and observations on the French arrêt of July 10. Bondfield's related to Soulanges' letter and the Algerine war. Jay's letter is in No. 80, I, folio 353; Adams' is in No. 84, V, folios 585 and 601.

tions of Congress, on which such taxes may respectively be levied," be referred to a committee to report.[1]

On the question to agree to this, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*Maryland,*		
Mr. Long,	ay	*	Mr. McHenry,	ay	div.
Massachusetts,			Hindman,	no	
Mr. Gerry,	ay	ay	*Virginia,*		
King,	ay		Mr. Lee,	ay	ay
Rhode Island,			Grayson,	ay	
Mr. Ellery,	no	no	*South Carolina,*		
Howell,	no		Mr. Pinckney,	ay	ay
New York,			Kean,	ay	
Mr. Lawrance,	no	no	*Georgia,*		
Haring,	no		Mr. Houstoun,	no	*
Smith,	no				
Pennsylvania,					
Mr. Gardner,	no	div.			
Jackson,	ay				

So the question was lost.

The following report being under debate, viz:[2] A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [Elbridge] Gerry, that the consideration of the report be postponed, and on the question to postpone, the yeas and nays being required by Mr. [James] McHenry,

[1] This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress,* No. 36, III, folios 193 and 195.

On this day, according to the indorsement, was read a letter from the Secretary at War, dated October 28, on a letter received from Lieutenant Colonel Harmar, dated October 22, and suggesting the suspension of the recruiting service until March next. It was passed November 2 and is in No. 151, folio 125.

[2] Thomson has here pasted in the Journal a printed copy of the report of McHenry, Read and Pettit, of September 26, *q. v.,* on the Post Office. As here inserted it is not properly a proceeding of this date.

New Hampshire,			*Maryland,*		
Mr. Long,	ay	*	Mr. McHenry,	ay	ay
Massachusetts,			Hindman,	ay	
Mr. Gerry,	ay	ay	*Virginia,*		
King,	ay		Mr. Lee,	ay	ay
Rhode Island,			Grayson,	ay	
Mr. Ellery,	ay	ay	*South Carolina,*		
Howell,	ay		Mr. Pinckney,	ay	ay
New York,			Kean,	ay	
Mr. Lawrence,	ay	ay	*Georgia,*		
Haring,	ay		Mr. Houstoun,	ay	*
Smith,	ay				
Pennsylvania,					
Mr. Gardner,	ay	ay			
Jackson,	ay				

So it was resolved in the affirmative.

BOARD OF TREASURY,
Octr 28th, 1785.

The Board of Treasury to whom was referred the letter of John Pierce Commissioner of Army Accounts of the 24th October Ins^t relative to the progress made in the business of that Department, beg leave to Report.

That in the opinion of this Board it is highly necessary that a period should be fixed for the final adjustment of all claims against the United States arising in this Department and that from the Nature of such claims, they cannot with safety to the Public be investigated by any other Officer than the present Commissioner.

They therefore submit to the consideration of Congress the following Resolve, Viz^t

That all persons, having claims for services performed in the Military Department, be directed to exhibit the same for liquidation to the Commissioner of Army Accounts, on or before the first day of August ensuing the date hereof: and that all claims, under the description abovementioned, which may be exhibited after that period shall for ever thereafter be precluded from adjustment, or allowance; and that the Commissioner of Army Accounts give public notice of this resolve in all the States for the space of six months.[1]

[1]The report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 253. According to the indorsement it was read this day and passed November 2.

The Com^ee [consisting of Mr. William Grayson, Mr. James McHenry and Mr. John Kean] on a letter of the 9th Aug^st last from Messrs Isaac Roosevelt, John Mercier and W. Malcom and also a letter of the 2^d Aug^st last from Walter Livingston in behalf of himself and associates and Comfort Sands & Co. Report

That [they have agreed to nominate Messrs Abram Lott and Gerard Bancker as] two additional referrees be appointed between the U. S. and W: Livingston and Comfort Sands & Co: and their associates.[1]

OFFICE FOR FOREIGN AFFAIRS,
31st October, 1785.

The Secretary of the United States for the Department of foreign Affairs in Obedience to the Order of Congress directing him to Report the Fees to be paid to Consuls, their respective Jurisdictions and Duties, and the Customs of Nations respecting Salaries, Fees, and Perquisites allowed to Consuls, Reports—

That Consuls are received by foreign Nations either in persuance of Stipulations in Treaties subsisting between the Nations sending, and receiving them; or in pursuance of the general Customs observed by commercial States.

That the Duties of Consuls are, to attend to the Rights and Privileges claimed by their Nations, either in Virtue of Treaties, or the Laws and Usage of Nations, and particularly of that Nation to which they are sent. And further, to do and perform such things as their Sovereign may enjoin, and the Laws of the Country to which they are sent permit. That their Jurisdiction as to Extent, always depends on their Commission, and as to its Objects relates chiefly to the Determination of such Controversies and Contests as may there happen between the Merchants and Traders of their Nation.

That the English in some Cases allow their Consuls Duties on Goods loaded, and unloaded, and in others Duties on Shipping.

That the Spaniards do the same.

That the French pay Salaries to their Consuls, raised for the most Part out of similar Imposts. That the Dutch in some Instances allow neither Salary nor Duties.

[1] This report, in the writing of John Kean, is in the *Papers of the Continental Congress*, No. 19, III, folio 607. The brackets appear in the report as shown. According to indorsement it was read this day and acted on November 4. See *ante*, June 27.

On this day, according to Committee Book No. 190, the name of —— Moore, nominated as one of the Commissioners for running the boundary line between Massachusetts and New York, was withdrawn. See *ante*, September 30.

That for Want of proper Books your Secretary finds it difficult to collect immediately full and satisfactory information on these Points.

That it is not more easy for him to decide the other Question referred to him, vizt—what Fees ought to be paid to Consuls.

He thinks that neither Salaries or Fees, should be allowed to Consuls established in Ports, whose Trade with America is so extensive and lucrative as to afford them the Means of acquiring a decent living. And that in Ports not so circumstanced, but at which it may be expedient to have Consuls, it would be better to allow them a small Stipend, than permit them to take Fees for their own use.

That it is customary for the English to provide a Fund at various Ports for the Relief of Shipwrecked Seamen and Captives, by imposing either a small Tonnage on their Vessels frequenting, or their Cargoes delivered at, those Ports.

That this Example appears to your Secretary worthy of Imitation, and that the Surplus of these Funds which may remain after providing for such charitable Purposes, might be applied towards Stipends for such Consuls, whose Situation may render them proper.

That one Obstacle opposes these Arrangements—Viz^t the Want of Power in Congress to impose such Duties or authorize the taking such Fees—but this is an Obstacle which must greatly embarrass and render imperfect almost every commercial System and Regulation that can be devised for putting the Trade of the United States on an advantageous and respectable Footing.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

[Motion of Mr. Elbridge Gerry]

That the Ministers of the U. States in Europe who now are or hereafter may be appointed be vested with the powers of Consuls General, and that the Consuls be ~~authorized~~ permitted to trade, but not entitled to Fees or Salaries.[2]

NEW YORK, *29th October, 1785.*

SIR: Yesterday Mr Houdon a celebrated french Statuary arrived here from Virginia where he has taken the Bust of General Washing-

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 481. According to indorsement it was read this day.

[2] This motion, in the writing of Gerry, is in the *Papers of the Continental Congress*, No. 36, III, folio 191. It was, apparently, offered during the debate on Jay's report.

ton. He is strongly recommended to me by the Marquis de la Fayette and Doctor Franklin as an Artist of great Merit, and the most proper one to employ in making the equestrian Statue of General Washington voted by Congress. He purposes to sail next Week in the English Packet.

I have the Honor to be etc.

JOHN JAY.[1]

His Excellency The PRESIDENT OF CONGRESS.

TUESDAY, NOVEMBER 1, 1785.

Congress assembled. Present, as before.

A Motion was made by Mr. [James] McHenry, seconded by Mr. [Charles] Pinckney, "that the Resolution of yesterday for postponing the consideration of the report touching the Post Office be reconsidered, for the purpose of postponing it till Monday next"; and on the question to agree to this, the yeas and nays being required by Mr. [James] McHenry,

New Hampshire,		
Mr. Long,	no	*
Massachusetts,		
Mr. Gerry,	ay	ay
King,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Howell,	no	
New York,		
Mr. Lawrance,	ay	ay
Haring,	no	
Smith,	ay	
Pennsylvania,		
Mr. Gardner,	ay	ay
Jackson,	ay	
Maryland,		
Mr. McHenry,	ay	ay
Hindman,	ay	
Virginia,		
Mr. Lee,	no	div.
Grayson,	ay	
South Carolina,		
Mr. Pinckney,	ay	ay
Kean,	ay	
Georgia,		
Mr. Houstoun,	ay	*

So the question was lost.[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 80, II, folio 41. According to indorsement it was read this day and referred back to the Secretary for Foreign Affairs to report, which he did November 2.

[2] On this day, as the indorsement states, was read a petition of Andrew Ross praying for a grant of western land. It was ordered to be filed. It is in the *Papers of the Continental Congress*, No. 42, VI, folio 506.

OFFICE FOR FOREIGN AFFAIRS,
November 1st, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Note from the Minister of the United Netherlands of the 8th Day of December last, Reports—

That this Note states "that their High Mightinesses having reconsidered the Form of Sea Letters settled and agreed upon in their Treaty of Amity and Commerce with the United States, had found therein some small Difference between that, and the Form of Sea Letters inserted in their Treaties with other maritime Powers in which it is said, 'that the Vessel called of the Burthen of about Tons which he at present commands, belongs to Inhabitants of the United low Countries whereas in the Form inserted in their Treaty with the United States, it is said 'That the Vessel called of the Burthen of about Tons which he at present commands, belongs to Inhabitants of the United low Countries *and that no subjects of the Enemy have any Part or Portion therein directly or indirectly.*'" That as these last Words appeared to them superfluous and liable to create Difficulties and Disputes they had thought it proper to strike them for the future out of the Form. And that to prevent any misunderstanding which might result from this Alteration they had ordered him to give Notice of it to the United State of America, which he had the Honor of doing by that Note.

Your Secretary finds that the Sea Letters in Question are directed by the 25 Article of the Treaty which provides. "That in Case one of the two Parties happens to be at War, the Vessels belonging to the Subjects or Inhabitants of the other Ally shall be provided with Sea Letters or Passports, expressing the Name, the Property and the Burthen of the Vessel, as also the Name and Place of Abode of the Master or Commander of the said Vessel; to the End that thereby it may appear that the Vessel really and truly belongs to Subjects or Inhabitants of one of the Parties; *which Passports shall be drawn and distributed according to the Form annexed to this Treaty.*"

Your Secretary further finds that the Words in Question are inserted in the Form annexed to the Treaty and referred to in this Article.

It does not appear to your Secretary that the Consent of the United State had either been obtained or asked, for omitting these Words in future Sea Letters.

On this State of Facts he is of Opinion that no Article, Paragraph or Sentence in any Treaty or Contract, or in any Paper directed and settled thereby can of Right be altered by one of the Parties without the consent of the other.

That therefore their High Mightinesses on becoming dissatisfied with that part of the Form of the Sea Letters, should have communicated to Congress their Objections to it, and negociated with them for the Alteration they wished to have made. But that to make such an Alteration without consulting Congress, and after having made it, merely to give Notice of what they had done, without even an apology for the Liberty they had taken appears to your Secretary to be both improper and disrespectful.

As these Sea Letters are only necessary in Case either of the two Nations should be at War, and as they are now both at Peace, prudential Considerations should, he thinks induce Congress to observe Silence, on this subject for the present, but that when a Minister for the Hague shall be appointed it would be well to give him such Instructions relative to it as may be necessary to prevent the Acquiescence of Congress from being deducible from their Silence. For this Purpose your Secretary thinks he should be instructed as follows

You will inform their High Mightinesses that Congress have taken into Consideration the Note of their Minister of the 8th December last (of which you will herewith receive a Copy) that as both Nations are now at Peace they do not consider the Alteration in Question to be material, but that in their Opinion no Forms of Papers settled by Treaty can be altered but by the Mutual Consent of the contracting Parties. That Congress wish on all occasions to harmonize with their High Mightinesses and after being informed of their Objections to the present Form of Sea Letters, will take them into Consideration, and will readily consent to such Alterations as may appear expedient and proper. For this Purpose you are authorised to confer with them or their Minister on the Subject and inform Congress of the Result.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 81, I, 485. According to indorsement it was read this day. A copy by Thomson of Van Berckel's note of December 8, 1784, is on folio 491. See *ante*, January 17.

On this day, according to the indorsement, was read a letter of October 27, from Robert Howe relative to the settlement of his depreciated pay. It was

WEDNESDAY, NOVEMBER 2, 1785.

Congress assembled. Present, as before.

The Agents for the States of Massachusetts and New York, represented to Congress as follows:

To the honorable the United States in Congress Assembled: The Agents of the States of Massachusetts and New York, whose names are subscribed, beg leave to represent: That such have been the difficulties and delays in obtaining answers from several of the judges, chosen to determine the controversy between the said States, that they are left in suspense even to this hour; a circumstance which hitherto hath prevented a hearing and renders farther procrastination unavoidable. Wherefore it is prayed, in behalf of the said States, that the hearing of the said controversy may be on such future day as the parties shall mutually agree upon, and hereafter certify to Congress, and at the place appointed for that purpose, by their act of the ninth day of June last,

Signed, JAS. DUANE, JOHN JAY,
Agents for New York.
E. GERRY, RUFUS KING, S. HOLTEN,
Agents of Massachusetts.

New York, November 1, 1785.[1]

Whereupon *Resolved*, That the court for determining the controversy aforesaid, be held at the city of Williamsburgh, in the State of Virginia, upon such future day as the parties, by their lawful agents, shall mutually agree upon and hereafter certify to Congress, or in case of their disagreement, upon such day as may be appointed by Congress, on the application of either party.

referred to the Board of Treasury, which reported November 4. Howe's letter is in the *Papers of the Continental Congress*, No. 160, folio 543.

Also, on this day, according to indorsement, was read the report of the committee of October 19 on the motion of Mr. Howell. It was adopted *verbatim* December 28 and is spread on the Journal of that day. The report, in the writing of Rufus King, is in No. 26, folio 571.

[1] This representation, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 67, II, folio 503.

On a report of the Secretary at War,

Resolved, That the several States who were called upon by the Acts of Congress of 1st, 7th and 12th of April last to raise 700 men for the service of the United States suspend the farther recruiting of the said men until the 1st day of March next, and that the Secretary at War govern himself accordingly.

On a report of the board of treasury, to whom was referred a letter of the 24 October, from J. Pierce, commissioner of Army accounts,

Resolved, That all persons having claims for services performed in the military department, be directed to exhibit the same for liquidation to the commissioners of army accounts, on or before the first day of August, ensuing the date hereof, and that all claims, under the description above mentioned, which may be exhibited after that period, shall forever thereafter be precluded from adjustment or allowance, and that the commissioner of army accounts give public Notice of this resolve in all the states for the space of six Months.

The committee, consisting of Mr. [Elbridge] Gerry, Mr. [William] Grayson and Mr. [John] Kean, to whom was referred a motion of the delegates of New Hampshire, in behalf of that State, for obtaining of Congress the loan of 16 brass artillery and 8 Ammunition waggons, having made a report, and the same being under debate,

A motion was made by Mr. [Pierse] Long, seconded by Mr. [David] Howell, to postpone the report, in order to take up the following, viz.

Whereas Application has been made, by the delegates of New Hampshire, agreeable to the Orders they have received from his Excellency the president of that State, who is now organizing the Militia thereof, for a loan of 16 pieces of brass field Artillery and 8 Ammunition waggons, for which said State will hold themselves accountable, and deliver the same to the Order of Congress or their secretary at War, and as

Congress are desirous on all occasions to comply with every reasonable request, made by any State in the union, and as the legislature of New Hampshire are now exerting themselves to have a well regulated and disciplined Militia, and without a loan of cannon, &c. from the United States, the representative of that state now in Congress, is of opinion, they cannot comply with the 6th article of the Confederation but in part, which induces him to submit the following resolution: That the Secretary at war deliver to the state of New Hampshire, 8 pieces of brass field artillery, and 4 ammunition waggons, to be returned on the order of Congress, or the said secretary at war.[1]

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Pierse] Long,

New Hampshire,			*Pennsylvania,*		
Mr. Long,	ay	*	Mr. Gardner,	no	no
Massachusetts,			Jackson,	no	
Mr. Gerry,	no	no	*Maryland,*		
King,	no		Mr. McHenry,	no	no
Rhode Island,			Hindman,	no	
Mr. Ellery,	ay	ay	*Virginia,*		
Howell,	ay		Mr. Lee,	ay	div.
New York,			Grayson,	no	
Mr. Lawrance,	no	no	*South Carolina,*		
Haring,	no		Mr. Pinckney,	no	no
Smith,	no		Kean,	no	

So the question was lost.

On the question, the report of the Committee was agreed to as follows:

Resolved, That however desirous Congress may be, on every occasion, to comply with the request of the State of New Hampshire, they cannot with a due regard for the public

[1] This motion, in the writing of Pierse Long, is in the *Papers of the Continental Congress,* No. 36, III, folio 197.

safety, establish a precedent for dispersing the field artillery or military stores of the United States, by loaning the same to individual states, but earnestly recommend it to every state, not supplied with such artillery or stores, to procure them without delay, pursuant to the 6th article of the Confederation.[1]

On a letter of this day, from the secretary for foreign Affairs, desiring leave of Absence next week,

OFFICE FOR FOREIGN AFFAIRS,
2d Novemr, 1785.

SIR: A compleat Duplicate of the Papers sent by Capt Lamb, are preparing and will be ready to Day. I propose to transmit them to Mr Adams by Mr Houdon who will sail in the Packet To-morrow, unless Congress should think proper to order otherwise. For not having received their Commands respecting these Papers so far as they relate to the Algerines, of whose hostilities, we have no official, tho' probable Advices, I think it my Duty to proceed agreeable to the former Design of Congress.

The inferiour Court of Common Pleas for the adjoining County of West Chester, is to sit next week at Bedford which is a Days Journey from hence, and I am called upon to attend it on Business respecting the Division of some Lands there, in which I am interested as a Tenant, in common with several others.

This Circumstance induces me to request the permission of Congress to be absent the ensuing Week. The most pressing Business of this office is dispatched, and in Case anything should occur to call for my returning sooner, I shall leave Directions with Mr Remsen on such an Event to send an Express for me immediately.

I have the Honor to be, etc.,

JOHN JAY.[2]

His Excellency The PRESIDENT OF CONGRESS.

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 20, I, folio 39.

On this day, according to indorsement, was read a letter of October 30 from Robert Edge Pine, presenting Congress with prints of the Magna Charta, the House of Lords and the House of Commons. It is in No. 78, XVIII, folio 595.

[2] This letter is in No. 80, II, folio 49. It is indorsed as referred back to the Secretary for Foreign Affairs to take order. The first paragraph and this order of Congress thereon are entered in Resolve Book No. 123.

Ordered, That leave be granted.

OFFICE FOR FOREIGN AFFAIRS,
2d November, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Letter of 29th Ult. to his Excellency the President mentioning the Arrival here of Mr Houdon, a celebrated Statuary, and hinting the Propriety of employing him to make the Equestrian Statue of General Washington voted by Congress, Reports—

That he Yesterday conferred with Mr Houdon on the Subject. He said that being in Possession of the Foundary at which was cast a fine equestrian Statue of Louis the 15th he will be able to make the one in Question on Terms more Moderate than any other Artist in Paris.

That until his Return it will not be in his power to form an accurate computation of the Expence, but that he will then prepare and transmit an Estimate; and proposed that in the mean Time nothing further might be done.

Your Secretary takes the Liberty of observing that the Devices in Basso-relievo directed to be wrought on the Pedestal will exceedingly enhance the Expence, and therefore in his Opinion merits re-Consideration.

It will require a very able Artist to compose these several Devices, and prepare them for the Engraver, who should also be an eminent one.

When they are compleated none but such as may be minutely informed of the History of the Transactions, alluded to will understand them, and when they do, they will find them better represented by the Historian.

To your Secretary these Devices and the great Expence attending them appear perfectly useless.

Would it not be more laconic, equally nervous, and less expensive, to put in the Place of these Devices, only a Book inscribed—"Life of General Washington," and underneath—Stranger read it. Citizens imitate his Example.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.[1]

[1] This report is in No. 81, I, folio 495. According to indorsement it was read this day.

Also on this day, according to Committee Book No. 190, "A Motion of Mr. Gerry relative to cancelling certain Loan Office certificates" was referred to the Board of Treasury to report, which it did November 30.

THURSDAY, NOVEMBER 3, 1785.

Congress assembled. Present, as before.[1]

[Report of Grand Committee]

That the Board of Treasury give Instructions to the Commissioners appointed for the settlement of the accounts of particular States with the United States, to report to them from time to time such claims of States as, in their opinion, they are not authorised to admit as charges against the United States, and the nature of the evidence on which the same depends, and that the Board from time to time make report thereof to Congress, in order that they may be duly considered, and proper measures adopted for the final adjustment of the Accounts of the United States.[2]

FRIDAY, NOVEMBER 4, 1785.

Congress assembled. Present, as before.

On the report of a committee, to whom was referred a letter of the 9 August last, from Messrs. Isaac Roosevelt, John Mercier and W. Malcolm, and also a letter of 2 August, from Walter Livingston, in behalf of himself and Associates, and Comfort Sands & Co.

Resolved, That the secretary of Congress be, and hereby is authorised, in conjunction with Walter Livingston and Comfort Sands, and their associates, to agree upon and appoint two disinterested referees to be added to those heretofore appointed, to decide certain controversies between the United States, and the said Walter Livingston and Comfort Sands, and their associates, who, or a majority of whom, shall be competent to report their opinion to Congress.[3]

[1] On this day, according to Committee Book No. 190, a petition from Sarah Greaton was referred to the Board of Treasury to report and a report rendered July 22, 1788. The petition is in No. 41, III, folio 546, and prays that she, the widow of Brig. Gen. John Greaton, be allowed cash in lieu of the land bounty granted her husband.

[2] This report, in the writing of Roger Alden, is in the *Papers of the Continental Congress*, No. 26, folio 509. The indorsement states that it was read on this day. See *ante*, September 28.

[3] This resolve, which was offered as a motion, by Rufus King, is in No. 19, III, folio 609, in King's writing. In the motion the word opinion is in the plural.

The report of a committee consisting of Mr. [Rufus] King, Mr. [David] Howell and Mr. [William] Hindman, to whom was referred a motion concerning certain powers and duties of the board of treasury, being called for and read;

Ordered, That the consideration thereof be postponed till Monday next, and that the report be entered on the journal.

The report is as follows:

"That the board of treasury be and hereby are declared to be vested with full authority to superintend and examine the conduct of all officers employed in the department of the treasury and of the several commissioners appointed or that hereafter may be appointed for the settlement of the public accounts, as well those of the five great departments as those authorised to adjust the accounts between the United States and individual States. And in case any of the said Officers or commissioners shall unnecessarily absent themselves from their respective Offices, or shall engage in any business inconsistent with or that may hinder a constant discharge of the duties of their several appointments, it shall be the duty of the board of treasury to make immediate report thereof to Congress, that such measures may be adopted thereon as Justice and the public interest may require."

On a report of the board of treasury, to whom was referred a memorial of Robert Howe, late a major general in the service of the United States,

Resolved, That the commissioner of Army Accounts be directed to adjust the accounts of the late major general Howe, for depreciation of pay, agreeably to the Scale of depreciation, by which the State of Massachusetts, calculated the pay due to the troops of the said State, any thing in the resolve of the 12th April last, to the contrary not withstanding.[1]

[1] This report of the Board of Treasury, dated November 4, on the memorial of Major General Robert Howe, is signed by Samuel Osgood and Walter Livingston, and is in the *Papers of the Continental Congress*, No. 138, I, folio 609. The recommendation of the Board was adopted *verbatim* as the resolve above.

On motion of Mr. [David] Howell, seconded by Mr. [James] McHenry,

Resolved, That the several matters now before Congress, be referred over and recommended to the United States in Congress assembled, to meet in this place on Monday next.

On motion of Mr. [Charles] Pinckney, seconded by Mr. [David] Howell,

Resolved, That the thanks of Congress be given to his excellency Richard Henry Lee, for his able and faithful discharge of the duties of president, while acting in that important station.

MONDAY, NOVEMBER 7, 1785.

Pursuant to the Articles of Confederation, the following gentlemen attended as delegates:

From Massachusetts,
Mr. Rufus King,
New York,
Mr. John Haring,
Melancton Smith,
New Jersey,
Mr. John Cleve Symmes,
Maryland,
Mr. James McHenry,
William Hindman,

From South Carolina,
Mr. John Bull,
Charles Pinckney,
John Kean,
Georgia,
Mr. William Houstoun.

TUESDAY, NOVEMBER 8, 1785.

The following gentlemen attended:

From Massachusetts,
Mr. King,
New York,
Mr. Haring,
Smith,
New Jersey,
Mr. Symmes,
Hornblower,

From Maryland,
Mr. McHenry,
Hindman,
South Carolina,
Mr. Bull,
Pinckney,
Kean,
Georgia,
Mr. Houstoun.

WEDNESDAY, NOVEMBER 9, 1785.

The following gentlemen attended:

From Massachusetts,
Mr. King,
New York,
Mr. Haring,
Smith,
New Jersey,
Mr. Symmes,
Hornblower,

From Maryland,
Mr. McHenry,
Hindman,
South Carolina,
Mr. Bull,
Pinckney,
Kean,
Georgia,
Mr. Houstoun.

THURSDAY, NOVEMBER 10, 1785.

The same as before.

FRIDAY AND SATURDAY, NOVEMBER 11 AND 12, 1785.

The same as before.

MONDAY, NOVEMBER 14, 1785.

The same as on Wednesday last; and,

From New York,
Mr. Lawrance.

TUESDAY, NOVEMBER 15, 1785.

From Massachusetts,
Mr. King,
New York,
Mr. Platt,
Smith,
New Jersey,
Mr. Symmes,
Hornblower,

From Maryland,
Mr. McHenry,
Hindman,
South Carolina,
Mr. Kean,
Pinckney,
Georgia,
Mr. Houstoun.

WEDNESDAY, NOVEMBER 16, 1785.

From Massachusetts,
Mr. King,
New York,
Mr. Lawrance,
Smith,
New Jersey,
Mr. Symmes,
Hornblower,

From Maryland,
Mr. McHenry,
Hindman,
South Carolina,
Mr. Pinckney,
Kean,
Georgia,
Mr. Houstoun.

THURSDAY, NOVEMBER 17, 1785.

From Massachusetts,
Mr. King,
Nathan Dane,
New York,
Mr. Lawrance,
New Jersey,
Mr. Symmes,
Hornblower,

From Maryland,
Mr. McHenry,
Hindman,
Georgia,
Mr. Houstoun.

FRIDAY, NOVEMBER 18, 1785.

From Massachusetts,
Mr. King,
Dane,
New York,
Mr. Lawrance,
Smith,
New Jersey,
Mr. Symmes,
Hornblower,

From Maryland,
Mr. McHenry,
Hindman,
South Carolina,
Mr. Kean,
Georgia,
Mr. Houstoun.

SATURDAY, NOVEMBER 19, 1785.

From Massachusetts,
Mr. King,
Dane,
New York,
Mr. Lawrance,
New Jersey,
Mr. Symmes,
Hornblower,

From Maryland,
Mr. McHenry,
Hindman,
Georgia,
Mr. Houstoun.

MONDAY, NOVEMBER 21, 1785.

From Massachusetts,
Mr. King,
Dane.
New York,
Mr. Lawrance,
Smith,
New Jersey,
Mr. Symmes,
Hornblower,
From Maryland,
Mr. McHenry,
Hindman,
South Carolina,
Mr. Kean,
Georgia,
Mr. Houstoun.

TUESDAY, NOVEMBER 22, 1785.

From Massachusetts,
Mr. King,
Dane,
Connecticut,
Mr. Johnson,
New York,
Mr. Lawrance,
Smith,
New Jersey,
Mr. Symmes,
Hornblower,
From Pennsylvania,
Mr. Pettit,
Bayard,
Maryland,
Mr. McHenry,
Hindman,
South Carolina,
Mr. Ramsay,
Kean.
Georgia,
Mr. Houstoun.

WEDNESDAY, NOVEMBER 23, 1785.

Congress assembled. Present,

From Massachusetts,
Mr. Rufus King,
Nathan Dane,
Connecticut,
Mr. William S. Johnson.
New York,
Mr. John Lawrance,
Melancton Smith,
New Jersey,
Mr. John Cleve Symmes,
Josiah Hornblower,
Pennsylvania,
Mr. Charles Pettit,
John Bayard,
From Maryland,
Mr. James McHenry,
William Hindman,
South Carolina,
Mr. Charles Pinckney,
David Ramsay,
John Kean,
Georgia,
Mr. William Houstoun.
Abraham Baldwin.

The gentlemen present, having delivered in their credentials, the same were read. Mr. King and Mr. Dane, severally produced credentials of their appointment, and a certificate from the secretary of the State, testifying that the hon^ble^ John Hancock, Nathaniel Gorham, Rufus King, Theodore Sedgwick and Nathan Dane, Esqrs. were elected, June 16, 1785, by joint ballot of the two branches of the general Court, agreeable to the Constitution, to serve as delegates for the Commonwealth of Massachusetts, in the United States in Congress assembled, for one year, to commence the first Monday in November next. By the credentials produced by Mr. Johnson, it appears, that on the second Thursday of May, 1785, Joseph Platt Cook, esq^r^ Stephen Mix Mitchel, esq^r^ Jonathan Sturgis, Esqr William Hilhouse, Esqr John Treadwell, Esqr James Wadsworth, Esqr and William Samuel Johnson, Esqr were elected delegates to represent the State of Connecticut, according to law. By the credentials produced by Mr. Lawrance and Mr. Smith, it appears, that on the 26 day of March, 1785, the hon^ble^ Peter W. Yates, John Lawrance, John Haring, Zephaniah Platt and Melancton Smith, esquires were elected delegates to represent the State of New York, for one year, from the first Monday in November next ensuing. By the Credentials produced by Mr. Symmes and Mr. Hornblower, it appears, that on the 28 of October, 1785, the hon^ble^ Lambert Cadwallader, John Cleve Symms and Josiah Hornblower, were elected delegates to represent the State of New Jersey, from the first Monday in November next, until the 7 November, 1786. By the credentials produced by Mr. Pettit and Mr. Bayard, it appears, that on the 11 November, 1785, the hon^ble^ Charles Pettit, John Bayard, Arthur St. Clair, William Henry of Lancaster, and James Wilson, esquires were elected delegates to represent the State of Pennsylvania. The delegates for Maryland, South Carolina and Georgia, referred to the credentials which they produced to the last Congress.

THE COMMONWEALTH OF MASSACHUSETTS

To our Trusty and well beloved NATHANIEL GORHAM Esq. of the Town of Charlestown in our County of Middlesex, Greeting:

WHEREAS the General Court of our Commonwealth aforesaid did on the sixteenth day of June last agreeable to the Constitution of our said Commonwealth appoint the Honble Nathaniel Gorham Esq. a Delegate to represent our said Commonwealth in the Congress of the United States for one year commencing the first Monday in November 1785.

[SEAL]

NOW THEREFORE KNOW YE that We do by these presents and in pursuance of the said appointment commission you the said Nathaniel Gorham Esqr to represent our said Commonwealth in Congress and vest you with all and singular the Powers and Authorities to the said Office or Place of Delegate belonging by virtue of the Constitution of said Commonwealth and the appointment aforesaid and to hold said Office untill the first Monday of November 1786. And you the said Nathaniel Gorham Esq. are hereby required to observe the Instructions which from time to time shall be given to you by the General Court of our said Commonwealth.

IN TESTIMONY WHEREOF we have caused our Public Seal to be hereunto affixed.

Witness James Bowdoin Esqr our Governor and Commander in Chief at Boston this sixth day of December Anno Domini 1785, in the Tenth Year of the Independence of the United States of America.

JAMES BOWDOIN.

By His Excellency's Command,
JOHN AVERY jun^r, Secretary.[1]

THE COMMONWEALTH OF MASSACHUSETTS

To our Trusty and well beloved Rufus King Esqr of Newbury Port in our County of Essex, Greeting:

WHEREAS the General Court of our Commonwealth aforesaid did on the sixteenth day of June A^o D^i 1785 agreeable to the Constitution of said Commonwealth appoint the Honble Rufus King Esqr a Delegate to represent our said Commonwealth in the Congress of the United States for one year commencing the first Monday in November next.

[SEAL]

[1] The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

NOW THEREFORE KNOW YE, that We do by these Presents and in pursuance of the said Appointment commission you the said Rufus King, Esqr to represent our said Commonwealth in Congress and vest you with all and singular the Powers and Authorities to the said Office or place of Delegate belonging by Virtue of the Constitution of said Commonwealth and the Appointment aforesaid and to hold said Office until the first Monday of November 1786. And you the said Rufus King, Esqr are hereby required to observe the Instructions which from time to time shall be given to you by the General Court of our said Commonwealth.

IN TESTIMONY WHEREOF We have caused our Public Seal to be hereto affixed.

WITNESS James Bowdoin, Esqr our Governor and Commander in Chief at Boston this Nineteenth day of October A^o D^i 1785 in the Tenth Year of Independence of the United States of America.

JAMES BOWDOIN.

By His Excellency's Command,
JOHN AVERY jun^r, Secretary.[1]

THE COMMONWEALTH OF MASSACHUSETTS

To our Trusty and well beloved Nathan Dane, Esqr of Beverly in our County of Essex, Greeting:

WHEREAS the General Court of our Commonwealth aforesaid did on the sixteenth of June A. D. 1785 agreeable to the Constitution of our said Commonwealth appoint the Honble Nathan Dane, Esqr a Delegate to represent our said Commonwealth in the Congress of the United States for one year, commencing the first Monday in November next;

[SEAL]

NOW THEREFORE KNOW YE that We do by these presents and in pursuance of the said Appointment, Commission you the said Nathan Dane, Esqr to represent our said Commonwealth in Congress and vest you with all and singular the Powers and Authorities to the said Office or place of Delegate belonging by virtue of the Constitution of said Commonwealth and the Appointment aforesaid; and to hold said Office until the first Monday of November A^o D^i 1786. And you the said Nathan Dane, Esq. are hereby required to observe the Instruc-

[1] The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

tions which from time to time shall be given to you by the General Court of our said Commonwealth.

IN TESTIMONY WHEREOF We have caused our Public Seal to be hereto affixed.

WITNESS James Bowdoin, Esqr our Governor and Commander in Chief at Boston this twenty seventh day of October A^{o} D^{i} 1785, in the Tenth Year of the Independence of the United States of America.

JAMES BOWDOIN.

By His Excellency's Command,
JOHN AVERY jun^{r}, Secretary.[1]

These certify that the Hon'ble John Hancock, Nathaniel Gorham, Rufus King, Theodore Sedgwick and Nathan Dane, Esq^{rs} were elected June 16th, 1785, by joint Ballot of the two branches of the General Court agreeably to the Constitution to serve as Delegates from this Commonwealth in the United States in Congress assembled for one year to commence on the first Monday of November next.

Attest:

JOHN AVERY jun. Secretary.[2]

STATE OF CONNECTICUT

At a General Assembly of the State of Connecticut holden at Hartford in said State on the second Thursday of May Anno Domini 1785.

This day being appointed by Law for the Choice of Delegates to represent the State of Connecticut at the Congress of the United States of America, Proclamation was made in manner accustomed, And then the Votes of the Freemen were given into the persons appointed by the Assembly to receive, sort and Count them and declare the names of the Persons chosen to the Office aforementioned according to Law, which persons so appointed are Stephen Mix Mitchel, Esqr, Mr. Asher Miller, Mr. Simeon Bristol, Col^{o} Christopher Leffingwell, Capt. David Olmstead, Mr. Elkanah Tisdale and Col^{o} Benjamin Hinman who were all sworn to a faithful discharge of that Trust.

[1] The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

[2] The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

And the Votes of the Freemen being bro't in, sorted and Counted, Joseph Platt Cook, Esqr, Stephen Mix Mitchell, Esqr, Jonathan Sturges, Esqr, William Hilhouse, Esqr, John Treadwell, Esqr, James Wadsworth, Esqr, William Samuel Johnson, Esqr are chosen and were publickly declared to be Delegates to represent the State of Connecticut in the Congress of the United States of America according to Law.

A true Copy of Record.

Examined:

By GEORGE WYLLYS, Secr^{y}.[1]

THE PEOPLE of the State of New York By the grace of God Free and Independent: To all to whom these presents shall come send Greeting: KNOW YE, That we, having inspected the records remaining in the Secretary's Office of our said State do find there a Certain Commission in the words following to wit "The people of the State of New York, By the grace of God free and Independent, To all to whom these presents shall come send Greeting: Whereas our Senate and Assembly have on the Twenty sixth day of March last nominated and appointed the Honorable Peter W. Yates, John Lawrance, John Haring, Zephaniah Platt and Melancton Smith Esquires, delegates to represent our said State in the United States of America in Congress assembled, for the ensuing year: Now therefore Know Ye that in pursuance of the said Nomination and appointment, We have by these presents Commissioned the said Peter W. Yates, John Lawrance, John Haring, Zephaniah Platt and Melancton Smith to represent our said State in the said Congress accordingly: In Testimony whereof we have caused these our letters to be made patent and the great Seal of our said State to be hereunto affixed, Witness our trusty and well beloved George Clinton Esquire, Governor of our said State, General and Commander in Chief of all the Militia and Admiral of the Navy of the same, at our City of New York the said Twenty sixth day of March in the year of our Lord one thousand seven hundred and Eighty five and of our Independence the Ninth." ALL WHICH we have caused to be exemplified by these presents: IN TESTIMONY whereof we have caused these our Letters to be made patent and the great Seal of our said State to be hereunto affixed. WITNESS our Trusty and well beloved GEORGE CLINTON Esquire, Governor of our

[1] This credential is entered in the *Papers of the Continental Congress*, No. 179 *Records of Credentials*, and not in the Journal.

said State, General and Commander in Chief of all the Militia and Admiral of the Navy of the same at our City of New York the thirty first day of October in the Year of our LORD one thousand seven hundred and Eighty five, and of our Independence the Tenth.

GEO: CLINTON.[1]

[Read November 23, 1785]

THE PEOPLE of the State of New York, By the Grace of GOD, Free and Independent: To ALL to whom these presents shall come send Greeting:

WHEREAS our Senate and Assembly have, on this twenty sixth day of March one thousand seven hundred and eighty five, Nominated and Appointed the Honorable Peter W. Yates, John Lawrance, John Haring, Zephaniah Platt and Melancton Smith Esquires, DELEGATES to represent our said State in the United States of America in Congress from the first Monday in November next for the Term of one year thence next ensuing: NOW THEREFORE KNOW YE, that in pursuance of the said Nomination and Appointment, We Have by these presents Commissioned the said Peter W. Yates, John Lawrance, John Haring, Zephaniah Platt and Melancton Smith with full power and authority to them the said Peter W. Yates, John Lawrance, John Haring, Zephaniah Platt and Melancton Smith to represent our said State in the said Congress accordingly. IN TESTIMONY WHEREOF We have caused these our Letters to be made patent and the Great Seal of our said State to be hereunto affixed: WITNESS our Trusty and Well beloved GEORGE CLINTON Esquire Governor of our said State General and Commander in Chief of all the Militia and Admiral of the Navy of the same, at our City of New York the said twenty sixth day of March in the year of our Lord one thousand seven hundred and eighty five and of our Independence the ninth.

GEO: CLINTON.

[with the Great Seal appendant.]

Passed the Secretary's Office,
the 16th April 1785.

ROBT HARPUR, D. Secrty.[2]

[1] This was entered in the *Papers of the Continental Congress*, No. 179, *Record of Credentials*, and not in the Journal.

[2] The original is in the *Papers of the Continental Congress*, New York, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

THE STATE OF NEW JERSEY

To the Honorable Lambert Cadwalader, John Cleve Symms and Josiah Hornblower, Esquires, Greeting:

The Council and Assembly reposing especial Trust and Confidence in your Integrity, Prudence and Ability, have, at a Joint Meeting appointed you the said Lambert Cadwalader, John Cleeve [SEAL] Symms and Josiah Hornblower, or any two of You to represent and vote in behalf of this State in the Congress of the United States of North America from the first Monday in November next until the seventh day of November in the Year of our Lord One Thousand Seven hundred and eighty six unless a new appointment shall sooner take place. IN TESTIMONY Whereof the GREAT SEAL of the State is hereunto Affixed.

WITNESS WILLIAM LIVINGSTON ESQUIRE Governor Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging Chancellor and Ordinary in the same at Trenton the Twenty eighth day of October, in the Year of our Lord One Thousand Seven hundred and eighty five and of our Sovereignty and Independence the Tenth.

WIL: LIVINGSTON.

By His Excellency's Command
BOWES REED Sec^y.[1]

[Read November 23, 1785]

In the Name and by the Authority of the FREEMEN of the COMMONWEALTH OF PENNSYLVANIA

The Supreme Executive Council, of the said Commonwealth, To the Honorable Charles Pettit, Esquire:

WHEREAS, the General Assembly of this Commonwealth have, by their Act of the fifteenth Day of November [SEAL] in the Year of our Lord one thousand seven hundred and Eighty-five elected you a Dele- B. FRANKLIN Presid^t gate to represent this State in the Congress of the United States—You are therefore hereby commissionated as such.

[1] The original is in the *Papers of the Continental Congress*, New Jersey, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal. There is no indorsement, and the entry in the Record of Credentials does not indicate the date when this was read.

Given in Council, under the Hand of His Excellency Benjamin Franklin esquire, President, and the Seal of the State, at Philadelphia, this fourteenth Day of November in the Year of our Lord one thousand seven hundred and eighty five.

Attest:

J. ARMSTRONG, Secy.[1]

[Read November 23, 1785]

STATE OF PENNSYLVANIA,
IN GENERAL ASSEMBLY,
Friday November 11, 1785, A. M.

Agreeably to the order of the day the House proceeded to the election of Delegates to represent this State in the Congress of the United States and the ballots being taken it appeared that the Honorable Charles Pettit, John Bayard, Arthur St. Clair, William Henry of Lancaster, and James Wilson, Esquires, were duly elected.

Extract from the Minutes,

I. SHALLUS, Ass^{t} Clerk.[2]

Congress proceeded to the election of a president; and, the ballots being taken, the hon^{ble} John Hancock was elected.

The president not being present, Congress proceeded to the choice of a chairman; and, the ballots being taken, the hon^{ble} D[avid] Ramsay was elected.

On motion of Mr. [Rufus] King, seconded by Mr. [John] Kean,

Ordered, That a standing committee on qualifications, consisting of five members, be appointed to examine the creden-

[1] The original is in the *Papers of the Continental Congress*, Pennsylvania, *Credentials of Delegates*. It is a printed form, on parchment, with names and dates filled in. A commission in the same form was issued November 14 to John Bayard. Similar commissions to Arthur St. Clair and James Wilson are on file with the *Pennsylvania Credentials*, except that these refer to the Act of the eleventh day of November, instead of the fifteenth. The credentials of Bayard and Pettit were entered in No. 179, *Record of Credentials*, 1785; St. Clair's and Wilson's were not presented until 1786.

[2] The original is in the *Papers of the Continental Congress*, Pennsylvania, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

tials produced by members, and report thereon, from time to time.

On Motion of Mr. [Charles] Pinckney, seconded by Mr. [Rufus] King,

Resolved, That all matters which were before the last Congress, and left unfinished by them, be taken up in the present; and that all committees having business before them, and who have not reported, be directed to proceed therein, and to report as soon as may be.[1]

[Motion of Mr. [John] Kean]

That the Board of Treasury report the expences of the Presidents household for the years 1783, 1784 and 1785.

Ordered, That the above motion be referred to the Board of Treasury to take order.[2]

THURSDAY, NOVEMBER 24, 1785.

Congress assembled. Present, as yesterday.

Congress proceeded to the election of two chaplains; and, the ballots being taken, the Rev. Mr. Provost, the Rev. Dr. Rogers, were elected.[3]

[1] This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress,* No. 36, III, folio 171.

NOVEMBER 23: The following committee was appointed:

Mr. [William Samuel] Johnson, Mr. [Rufus] King, Mr. [Charles] Pettit, Mr. [John] Kean and Mr. [John] Lawrance, "A standing com^ee on qualifications to examine the credentials produced by Members and report thereon from time to time." This committee was renewed March 22, 1786.

Committee Book No. 190.

[2] This motion and order were entered in Resolve Book No. 123 by Benjamin Bankson. Committee Book No. 190 states that the Board reported November 30.

[3] On this day, as the indorsement states, was read a letter of Samuel H. Parsons, dated October 27, announcing his arrival at Pittsburg and recounting western intelligence. It is in the *Papers of the Continental Congress,* No. 56, folio 327.

Also, a letter of Thomas Hutchins announcing his return and the reasons therefor and recounting western intelligence. It is in No. 60, folio 193.

Also, a letter of William Greene, Governor of Rhode Island, dated November 3, and enclosing a resolution of the Assembly vesting in Congress power to

The Board of Treasury to whom was referred the Memorial of Robert Morris late Super Intentendant of the Finances of the United States of the 23rd Septr last, Beg leave to Report—

That they find, on a conference with the Comptroller, that in pursuance of a resolve of the General Assembly of the State of Penn^a dated November 21st 1782, (of which a copy is herewith transmitted) he was appointed by the late Superintendant of Finance to settle in behalf of the United States, with the Comptroller of the State of Pennsylvania, the quantity of Specific Supplies, for which the said State was to obtain credit, by commuting certain sums of cash received by Robert Morris (Agent of the said State for purchasing Specific Supplies) and applied by him as Superintendant of Finance in general expenditures for the service of the United States.

That in the course of this examination a difference in opinion betwixt the Comptroller of the State of Pennsylvania and the Comptroller of the United States, prevented a final adjustment of the matter in reference, previous to the resignation of the late Superintendant of Finance; after which period, the Comptroller of the United States, did not conceive himself authorised, without a renewal of his powers, to proceed in said business.

That a suit has been since commenced against the said Robert Morris as Agent for the purchase of Specific Supplies, by the Comptroller General of the State of Pennsylvania in behalf of said State.

That it appears by the statement of the accounts of the late Superintendant of Finance, that the principal part of the sums received by him from the State of Pennsylvania was expended in the General service of the United States.

regulatecommerce and foreign trade for twenty-five years. It is in No. 64, folio 566.

Also, a letter of October 31 from William Moultrie, Governor of South Carolina, acknowledging receipt of the requisition of Congress: "the Assembly will meet 10 Jany. next." It is in No. 72, folio 591.

Also, sundry letters from Joseph Brown, presenting portrait prints of Generals Washington and Greene to Congress. They are in No. 78, IV, folios 457–489.

Also, a letter of September 4 from William Wenman Seward from London forwarding intelligence. It is indorsed as read November 24 and "Referred to Secretary for foreign Affairs. The letter from Seward put under injunction of Secresy." It is in No. 78, XXI, folio 431.

Also was read a letter and petition, both dated April 21, 1785, from Thomas Hickling, of St. Michaels, praying appointment of consul for the Azores or Western Islands. They are in No. 42, III, folios 493–497.

From these considerations, the Board submit to the consideration of Congress the following Resolve.

That the Board of Treasury be authorised to appoint either the Comptroller of the Treasury, or such other suitable person as they may think proper, to adjust on the part of the United States, with any person duly authorized on the part of the State of Pennsylvania the quantity of Specific Supplies for which that State should obtain credit, by commuting the cash received from their Agent, and expended for the general service of the United States, into the Specific Supplies required, in order that the account of that State for such supplies may be finally adjusted.[2]

November 17th 1785.

FRIDAY, NOVEMBER 25, 1785.

Congress assembled. Present, as before.[1]

OFFICE FOR FOREIGN AFFAIRS,
24th November, 1785.

SIR: Mr Temple presented to me this Morning the Commission which I have now the Honor of transmitting to your Excellency, herewith enclosed. It appoints him Consul General of his brittanic Majesty throughout the United States of America.

Two questions arise on this Occasion—

(1.) Whether he is to be received *de Jure*.

(2.) Whether it will be expedient to receive him *de Gratia*.

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 177. The indorsement states that it was read this day and passed September 5, 1786. Morris' memorial is in No. 41, IX, folio 343.

[2] On this day, according to Despatch Book No. 185, was read a letter of November 25 from Rev. Dr. John Rodgers, accepting the office of Chaplain to Congress. It is in the *Papers of the Continental Congress*, No. 78, XIX, folio 511.

Also was read a letter of November 24 from the Secretary for Foreign Affairs forwarding sundry letters from John Adams and C. W. F. Dumas. It is in No. 80, II, folio 57. These letters are listed in Despatch Book No. 185, under November 25.

NOVEMBER 25: The following committee was appointed: Mr. [Charles] Pinckney, Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [William] Grayson, Mr. [William] Hindman, on a petition of S. Emery respecting the brig *Hope*, belonging to Messrs. Lake, of Liverpool.

Committee Book No. 190.

The first Question is settled by Vattel in the following Paragraph, vizt—

"Among the modern Institutions for the utility of Commerce, one of the most useful is that of Consuls, or Persons residing in the large trading Cities, and especially in foreign Sea Ports; with a Commission empowering them to attend to the Rights and Priveleges of their Nation, and to terminate Misunderstandings, and Contests, among its Merchants. When a Nation trades largely with a Country, it is requisite to have there a Person charged with such a Commission, and as the State which allows of this Commerce, must naturally favor it; so for the same Reason, it is likewise to admit a Consul. But there being no absolute and perfect Obligation to this, the Nation disposed to have a Consul, must procure itself this Right by the very Treaty of Commerce."

The second Question appears to me to be an important one, for that however Determined, interesting Consequences will result from its Decision. In considering it, a secondary Question presents itself, wish. vizt Whether the Rejection or Reception of this Consul will most dispose his Nation to the Terms of Commercial Intercourse which we To this Point the Fable of the North Wind and Sun seems applicable.

It appears to me that the Admission of a Consul here, is not a matter of so much Importance to Britain, as to induce that Nation to purchase or obtain it, by any Compliances which they would not otherwise make. Severity or Summum Jus on small Points may irritate, but they very seldom coerce. Retaliatory Restrictions on Trade and Navigation, are great Objects, and very consistant with the Pride and Dignity as well as Interest of a Nation—but under such Ideas, to refuse to receive a Consul, would (whatever might be the true Motives), be generally ascribed to a Degree of Pique and Irittation, which though Nations may feel they ought not expressly or impliedly to declare.

In my Opinion therefore this Consul should be received, but in such a Manner as to be, and to appear, a Matter of Favor, and not as a Matter of Course.

I have the Honor to be etc. JOHN JAY.[1]

His Excellency
THE PRESID^{T} OF CONGRESS.

[1] This letter is in the *Papers of the Continental Congress*, No. 80, II, folio 61. According to indorsement it was read this day and referred back, with Temple's commission, to the Secretary for Foreign Affairs to report, which he did, November 30.,

OFFICE FOR FOREIGN AFFAIRS,
25th Novem^r 1785.

SIR: As no Opportunity has yet offered for transmitting to our Ministers Copies of the Act of Congress, conferring on each of them the Powers of a Consul General; I take the Liberty of mentioning to your Excellency three Questions which seem to arise on it, and which in my Opinion should be decided.

1. Whether this Act is considered as implying Authority to appoint Vice Consuls or Agents.

2. Whether Congress mean to supersede Mr Barclay as Consul General for France, or whether it is intended to give him and Mr Jefferson concurrent Jurisdiction.

3. Whether formal Commissions for the Purposes in Question should not be issued.

A Vessel will sail for London on Sunday next, and I shall think it my Duty to transmit Copies of this Act unless Congress should be pleased to order otherwise.

I have the Honor to be etc.

JOHN JAY.[1]

His Excellency
THE PRESIDENT OF CONGRESS.

Motion: That the Secretary for Foreign Affairs suspend the transmission of the Act of 28th October, vesting Ministers with powers of Consuls Generals until Thursday next.

Ordered, That the above Motion be referred to the Secretary for Foreign Affairs to take Order.[2]

MONDAY, NOVEMBER 28, 1785.

Six states only attending; namely, Massachusetts, New York, New Jersey, Pennsylvania, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long, and from Connecticut, Mr. [William Samuel] Johnson.

[1] This letter is in the *Papers of the Continental Congress*, No. 80, II, folio 65. According to indorsement it was read this day and referred to M^r [Rufus] King, M^r [James] McHenry, M^r [William Samuel] Johnson, M^r [Charles] Pettit, and M^r [Charles] Pinckney. "Returned by Mr King 9 Oct. 1787."

[2] This motion and order were entered in Resolve Book No. 123, by Benjamin Bankson.

Mr. [Pierse] Long delivered in credentials, whereby it appears, that on the 21 of June, he was elected one of the delegates to represent the state of New Hampshire, for one year, from and after the first day of November next ensuing.

THE STATE OF NEW HAMPSHIRE

To PEARSE LONG, Esqr, Greeting:

WHEREAS the General Court of this State did at their Session held at Portsmouth on the Twenty first day of June last appoint you the said Pearse Long one of the Delegates to represent this State in the Congress of the united States of America. Now therefore know you that by these Presents, in pursuance of the said appointment, you the said Pearse Long, are commissioned to be one of the Representatives of this State in Congress, and Vested with all and Singular the power and authority to the said office or place of Delegate belonging, by virtue of the constitution of this State, and the appointment aforesaid. To have and to hold to you the said Pearse Long the said office or place of Delegate for the Term of one year from and after the first day of November next, unless sooner recalled by said General Court.

In Testimony whereof, the seal of the said State is hereunto affixed. Witness John Langdon Esqr president of said State at Concord the Twenty fifth day of October in the Tenth year of our Independence, and in the year of our Lord one Thousand Seven Hundred and Eighty-five.

By his Excellency's command with advice of Council.

E. THOMPSON, Sec^ry.

[SEAL] JOHN LANGDON.[1]

TUESDAY, NOVEMBER 29, 1785.

Five states only attended; namely, New York, New Jersey, Pennsylvania, Maryland, and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long, from Connecticut, Mr. [William Samuel] Johnson, and from South Carolina, Mr. [David] Ramsay.

[1] The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal. See *ante*, January 11, 1785.

WEDNESDAY, NOVEMBER 30, 1785.

Congress assembled. Present, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Pierse] Long, and from Connecticut, Mr. [William Samuel] Johnson.

[*Resolved*,] That the expenditure for the support of the President's household under the resolution of the 21st November, 1781, including [the salary of] his private secretary [house rent, steward and servants wages and all other expenses whatsoever], shall not exceed the rate of Twelve thousand dollars [pr annum] yearly commencing on the first Monday in November.[1]

The Board of Treasury to whom was Referred the memorial of William Colbrath, Praying Compensation for a Quantity of Rum seized from himself and Partners at Fort Schuyler by an Officer in the service of the United States on the 5th Day of October, 1784, beg leave to Report—

That it appears from the Examination of the Reverend Mr Kirkland, who was present at Fort Schuyler at the time the Seizure above referred to was made, that it was done by the Officer referred to in said Memorial, in consequence of Orders received by him from the Commissioners appointed by Congress for managing the Treaty then holding with the Six Nations.—

That, previous to the said Seizure, an Advertisement was published by the said Commissioners stating the ill consequences which must

[1] Two drafts of this resolve, in the writing of John Kean, are in the *Papers of the Continental Congress*, No. 140, II, folios 119 and 121. The brackets show the verbal variations. The second draft (folio 121) is indorsed by Thomson: "Motion of Mr. Kean . . . Novr. 30, 1785 Referred to Mr. [John Cleves] Symmes, Mr. [John] Lawrance and Mr. [William Samuel] Johnson. The motion was made, apparently, on the letter from the Board of Treasury November 25, 1785, transmitting, by order of Congress, a report on the expenditures for the President's household. This letter and report are in No. 140, II, folios 111 and 115. See *post*, December 28.

On this day, as the indorsement indicates, was read a letter from Edward Fox, Commissioner of Hospital Accounts, relative to a letter from Dr. Jonathan Arnold. It is in the *Papers of the Continental Congress*, No. 31, folio 117.

Also, a petition from Robert Waupie and other Indians who had settled on the Oneida lands, which was referred to the Secretary at War to report. The indorsement states that he reported Dec. 27, 1785. The petition is in No. 56, folio 411.

Also, a letter of November 28 from John Fox. It is in No. 78, IX, folio 551.

ensue from the Sale of Spiritous Liquors to the Savages during the Treaty, and prohibiting the Vent on the pain of Seizure. That the said Advertisement further purported that at the close of the Treaty free liberty would be given to Trade with the Indians.—

That, notwithstanding this public Caution, Mr Kirkland states, that the business of the Treaty was retarded for some days, owing to the Indians obtaining Liquor. In consequence of which all Spiritous Liquors belonging to private Persons then on the Ground was Seized by order of the Commissioners, and deposited in a locked Public Store under proper Guards

That, at the close of the Treaty, he understood the Liquors in general had been returned to the Proprietors. That he was present in the Store of a Partner of said Colbrath, when the Rum seized from that Company was deposited at the Door of the said store; and that he heard General Butler (one of the Commissioners for holding the Treaties) desire the said Partner to Receive the Rum

That, although Rum was taken from several other persons, he heard no Complaints of loss sustained thereby, except in the case of the Memorialist: and that he has understood that the Rum, for which payment is now Claimed, was during the last Winter in possession of a certain person of the name of Armstrong at Fort Schuyler, a Connection of the said Colbrath

That it appears from the information of the said Samuel Kirkland, that he had been frequently present at Indian Treaties held under the former Government; and that the Sale of Spirituous Liquors was constantly prohibited by Sir William Johnson, then Superintendant of Indian Affairs, during the time of the Treaty, under Penalty of Seizure.

The Board beg leave further to Report, That it appears from the examination of Arthur Lee Esqr, one of the late Commissioners of Indian Affairs, that process has been served against him in this City, at the suit of the Memorialist for the Recovery of Damages alledged to have been sustained in consequence of the Seizure aforesaid

From these Considerations the Board submit to the Judgement of Congress the following Resolve

That the Memorial of William Colbrath be dismissed

All which is humbly submitted.[1]

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 147. The indorsement states that it was read this day.

Novr 16th, 1785.

The Board of Treasury, to whom was Referred the Memorial of William Hoskins, an Assistant to the late Commissary General Trumbull, Setting forth that a proper Compensation had not been made to him for his services, on a settlement with the Commissioner who was specially appointed by Congress to Settle the Accounts of the late Commissary General Trumbull, and Praying that the said Settlement might de disannulled, and that the present Commissioner for Settling Accounts in the Commissary General's Department might be directed to Adjust the same, beg leave to Report—

That having referred the said Memorial to the consideration of the Commissioner for Settling the Accounts of the Commissary General's Department, the said Commissioner has Reported it as his Opinion, that no farther Allowance ought to be made to the said William Hoskins.

The Board therefore submit to the consideration of Congress the following Resolve:

That the Memorial of William Hoskins late an Assistant in the Commissary Generals Department, praying that the former Adjustment of his Account by the Commissioner duly Authorised for such purpose may be Revised, and that a farther compensation be made him, cannot be complied with [1]

The Board of Treasury to whom was referr'd on the 20th September last the Memorial of Jonathan Trumbull Junr praying that Congress would be pleased to order payment of some part of the balances due to him for his long and persevering services during the late War, beg leave to Report—

That your Memorialist amongst other certificates due to him for the services rendered by him to the United States is possest of a Certificate for 1,752 Dollars 53/90ths, Issued to him for his services as Special Commissioner in Settling the Accounts of the late Commissary General Trumbull—which appointment may be properly considered as an appendage of the Civil Establishment.

That the claim of Mr Trumbull for the attention of Congress to the prayer of the Memorial derives additional weight from the con-

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 601. According to the indorsement it was read this day and passed, February 1, 1786. The letter of the Commissioner for settling the accounts of the Commissary General's Department, dated May 14, 1785, is on folio 605.

sideration, that he is one of those Officers who was attached to the person of the late Commander in Chief at the close of the War, with whose interests the United States in Congress have particularly charged themselves by their Act of the 23d December 1784.

From this consideration the Board of Treasury submit to the consideration of Congress the following Resolve:

That the Comptroller cause the Certificate given to Mr Jonathan Trumbull Commissioner for Settling the Accounts of the late Commissary General Trumbull amounting to 1,752 Dollars 5/90ths to be cancelled, and that the Board of Treasury take order for paying the same from the requisition of the year 1784 [1]

Nov.r, 1785.

NOVEMBER 18th, 1785

The Board of Treasury to whom was referred, a motion of the Hon'ble Mr. Gerry of the 2d November last, Beg leave to Report—

That a number of Loan Office Certificates issued from the Respective offices since the first of March, 1778, don't exceed when reduced by the scale, the sum of Twenty five Dollars in specie, and that a very great proportion of them, not more than Five Dollars.

That this multiplicity of Certificates of small value occasions great embarrassments and expense in the liquidation of interest due on such Certificates.

That it has been represented to this Board, that numbers of the Holders of the Certificates above described, are desirous to have the same cancelled, and the number reduced by consolidating several small Certificates into one of a greater amount. From these considerations, the Board submit to the Opinion of Congress the following Resolve:

That all Holders of Loan Office Certificates issued since the first of March, 1778, be authorised to present the same to the Loan office of the State in which such Certificates issued, in order that the specie value thereof may be liquidated; and that on the former Certificates being given up Specie Certificates of the same value shall be issued agreeably to such form and in such sums as the Board of Treasury may direct; provided that no Certificate issue for a less sum than One hundred Dollars, and that the Papers, Checks and Devices of the new

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 455. According to the endorsement it was read this day and referred, July 22, 1788, to Mr. [Nathan] Dane, Mr. [Hugh] Williamson and Mr. [Abraham] Clark. Their report was acted on July 28, 1788.

Certificates, resemble as nearly as may be the old Certificates, which shall be transmitted as vouchers of Re-issue to the Comptrollers office.[1]

OFFICE FOR FOREIGN AFFAIRS,
28th November, 1785

The Secretary of the United States for the Department of foreign Affairs, to whom was referred his Letter of 24th Inst. to his Excellency the President, with Mr Temple's Commission, Reports—

That John Temple Esquire, has presented to the United States in Congress assembled, a Commission in due Form bearing Date the fifth Day of February last—from his britannic Majesty, constituting and appointing him the Consul General of his said Majesty in these States.

That there is as yet no commercial Treaty or Convention subsisting between his britannic Majesty and the United States, whereby either have a perfect right to establish Consuls in the Dominions of the other; but that amicable Negociations for that, and other reciprocal privileges, are now depending.

That altho' the Issue of those Negociations is as yet uncertain; it will nevertheless be proper for the United States on this, and every other Occasion, to observe as great a Degree of Liberality as may consist with a due Regard to their national Honor and welfare. Wherefore, in the Opinion of your Secretary, it should be

Resolved, That the said John Temple Esqr be, and he hereby is, received and recognized as Consul General of his britannic Majesty throughout the United States; and that his Commission be registered in the Secretary's Office.

Resolved, That all the Privileges, Preeminences and Authority which the Laws of Nations and of the Land, give to a Consul General received by the United States from any Nation with whom they have no commercial Treaty or Convention, are due to the said John Temple, and shall be enjoyed by him.

Ordered, That certified Copies of the above Resolutions be transmitted to the Executives of the different States for their information.

All which is submitted to the Wisdom of Congress

JOHN JAY.[2]

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 139, folio 89. According to the indorsement it was read this day and passed February 1, 1786. The vote is recorded by Thomson on the report.

[2] This report is in the *Papers of the Continental Congress*, No. 81, I, folio 499. According to indorsement it was read this day. See *post*, December 1 and December 2.

OFFICE OF SECRETARY OF CONGRESS,
Nov[r] *, 1785.*

The Secretary of Congress begs leave to report, that in pursuance of the report of the Com[ee] on the subject of reprinting the Journals, which was referred to him to take Order he has caused "the most public notice to be given to the different printers in the several States, and requested them to send to his Office on or before the first Monday in this Month the terms on which they will engage to reprint the said Journals in folio and deliver one thousand copies thereof bound in boards. That in Consequence of this Notice he has received proposals from sundry printers. It now remains to decide which of those proposals shall be accepted, and to enter into stipulations for the performance of the work. For these purposes the Secretary of Congress submits,

Agreed to. D[avid] R[amsay, Chairman]. That the proposals of the several printers with the specimens be referred to a committee.[1]

[1] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 180, *Reports of the Secretary of Congress*. The report was apparently submitted in November, after the 23d. According to the entry in Committee Book No. 190, the proposals of the printers were referred on December 28 to Mr [John Bubenheim] Bayard, Mr. [Rufus] King and Mr. [Stephen Mix] Mitchell, who delivered a report January 30, 1786. See *ante*, June 21.

NOVEMBER 30: The following committee was appointed: Mr. [Charles] Pinckney, Mr. [William Samuel] Johnson, Mr. [John] Lawrance, Mr. [Rufus] King and Mr. [Pierse] Long, on the memorial of General John Sullivan for depreciation of pay. This was a renewal of the committee of April 4, 1785, and to it was referred the memorial of Colonel Moses Rawlings for commutation. A report was rendered on Rawlings June 22, 1786. A copy of Rawlings' petition by James McHenry, dated November 28, 1785, is in No. 41, VIII, folio 361.

Also a letter from the Secretary for Foreign Affairs, dated November 26, was read, forwarding a letter from Captain Lewis Littlepage. The matter was referred back to said Secretary to report and the report was rendered December 27. Jay's letter is in No. 80, II, folio 69.

Also a memorial of Captain John Sullivan, praying for arrears of pay and commutation was this day referred to the Secretary at War to report. This report was read December 27; the memorial is in No. 38, folio 209.

Also a "petition of sundry Indians for assistance" was referred to the Secretary at War to report. See *post*, December 27.

Committee Book No. 190.

Also on this day was read a letter from the Board of Treasury announcing the arrival of the monument of Gen. Richard Montgomery. It is dated November 28 and is in the *Papers of the Continental Congress*, No. 140, II, folio 123.

THURSDAY, DECEMBER 1, 1785.

Congress assembled. Present, as yesterday.

~~The Secretary of the United States for the department of foreign affairs, to whom was referred his letter, of 24 November to his Excellency the President, with Mr. Temple's commission, having reported,~~

"~~That John Temple, esq^r, has presented to the United States in Congress assembled a commission in due form, bearing date the fifth day of February last, from~~ [~~his~~] ~~Britannic Majesty, constituting and appointing him the consul general of his said Majesty in these states. That there is as yet no commercial treaty or convention subsisting between his Britannic Majesty and the United States whereby either have a perfect right to establish consuls in the dominions of the other; but that amicable negotiations for that and other reciprocal privileges are now depending. That although the issue of those negotiations is as yet uncertain, it will nevertheless be proper for the United States on this and every other occasion to observe as great a degree of moderation and liberality as may consist with a due regard to their national honor and welfare~~".

~~and thereupon reported that it be~~

~~*Resolved*, "That the said John Temple, esq^r, be received and recognized as consul general of his Britannic Majesty throughout the United States, and that his commission be registered in the Secretary's office. That all the privileges, preeminences and authority which the laws of nations and of the land give to a consul general received by the United States from any nation with whom they have no commercial treaty or convention are due to the said John Temple and shall be enjoyed by him. That certified copies of the above resolutions be transmitted to the executives of the different states for their information~~".

~~The foregoing report being under debate,~~

~~A motion was made by Mr. [Melancton] Smith, seconded by Mr. [Rufus] King, that the further consideration of the report be postponed, in order to reconsider the resolution passed on the 28 of October last in the words following: "Whereas it is expedient that consuls should be appointed in the different states with which the citizens of the United States are engaged in commerce;~~

~~*Therefore Resolved,* That the ministers plenipotentiary of the United States in Europe, and where there is no minister the chargé des Affaires shall exercise the powers".~~[1]

FRIDAY, DECEMBER 2, 1785.

Congress assembled. Present, as before.

The secretary of the United States for the department of foreign affairs, to whom was referred his letter of the 24th November, to his excellency the president, with Mr. J. Temple's commission, having reported,

"That John Temple, esq. has presented to the United States in Congress assembled, a commission in due form, bearing date the 5th day of February last, from his Britannic majesty, constituting and appointing him the consul general of his said majesty in these states. That there is as yet no commercial treaty or convention subsisting between his Britannic majesty and the United States, whereby either have a perfect right to establish consuls in the dominions of the other, but that amicable negotiations for that and other reciprocal privileges are now depending: That although the issue of those negotiations is as yet uncertain, it will nevertheless be proper for the United States, on this and every other occasion, to observe as great a degree of liberality as may consist with a due regard to their national honor and welfare;" therefore,

[1] On this day, according to Committee Book No. 190, a letter of November 30 from Wilhelm and Jan Willink and a letter of August 30, 1785, from N. and J. Van Staphorst were referred to the Board of Treasury to report.

Resolved, That the said John Temple, esq. be, and he hereby is received and recognized as consul general of his Britannic majesty throughout the United States, and that his commission be registered in the secretary's office.

Resolved, That all the privileges, pre-eminences and authority, which the laws of nations, and of the land, give to a consul general received by the United States, from any nation with whom they have no commercial treaty or convention, are due to the said John Temple, and shall be enjoyed by him.

Ordered, That certified copies of the above resolutions be transmitted to the executives of the different states for their information.[1]

Pursuant to the resolution of the 29th September last, Congress proceeded to the appointment of three commissioners for running a line of jurisdiction between the states of Massachusetts and New York, conformable to the laws of the said states; and, the ballots being taken, Mr. Thomas Hutchins, Mr. John Ewing, and Mr. David Rittenhouse, were elected and appointed.

Motion: For suspending the transmission of the Act of 28 October until further Orders.

Ordered, That the above be referred to the Secretary for Foreign Affairs to take order.[2]

[1] The report and resolutions relative to John Temple were also entered in the manuscript Secret Journal, Foreign Affairs No. 5, by Benjamin Bankson.

[2] This motion and order were entered by Benjamin Bankson in Resolve Book No. 123.

Also on this day according to indorsement, was read a letter from the Secretary for Foreign Affairs, dated December 2, forwarding a letter of November 28 from the French chargé des affaires relative to a proposed arrangement between the French and American post offices. It was referred back to the said Secretary to report. Jay's letter is in No. 80, II, folio 73. See *post,* March 29, 1786.

Also, according to Committee Book No. 190, "A Motion of Mr. King for regulating the post between U. S. and Canada" was this day referred to the "Postmaster gen! to report."

The Board of Treasury to whom was referred the petition of Edward Keran, claiming depreciation on Monies received by him whilst in the Ordinance Department, beg leave to Report to Congress—

That having referred the said claim for examination to the Comptroller of the Treasury, they find that it had been regularly examined and reported on previous to the Memorialists presentment of his petition to Congress as will appear by the enclosed papers.

The Board therefore submit to Congress the following Resolve, Viz.

That the claim of Edward Keran for depreciation of pay during his service in the Ordnance Department is inadmissable.[1]

MONDAY, DECEMBER 5, 1785.

Met and adjourned. Massachusetts, New York, New Jersey, Pennsylvania and South Carolina; and from New Hampshire, Mr. [Pierse] Long, and from Georgia, Mr. [William] Houstoun.

TUESDAY, DECEMBER 6, 1785.

Met and adjourned. New York, New Jersey, Pennsylvania and South Carolina; and from New Hampshire, Mr. [Pierse] Long, and from Georgia, Mr. [William] Houstoun.

WEDNESDAY, DECEMBER 7, 1785.

Mr. Samuel Livermore, a delegate for New Hampshire, attended, and produced credentials, whereby it appears, that he is appointed one of the representatives of that state in Congress, to hold and exercise the office, or place of delegate, for the term of one year from the first day of November last.

Six states only attending; namely, New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, and South Carolina; and from the State of Georgia, Mr. [William]

[1] This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 9. It was acted on February 1, 1786.

Houstoun; the Chairman adjourned Congress till eleven o'clock tomorrow.

THE STATE OF NEW HAMPSHIRE

To SAMUEL LIVERMORE Esquire, Greeting:

Whereas the General Court of this State have at their present Session appointed you, the said Samuel Livermore one of the Delegates to represent this State in the Congress of the United States of America. Now therefore know you, that by these presents, in pursuance of the said appointment, you the said Samuel Livermore, are Commissioned to be one of the Representatives of this State in Congress, and vested with all and singular the power and authority to the said Office or place of Delegate belonging, by virtue of the Constitution of this State, and the appointment aforesaid. To have and to hold to you the Samuel Livermore the said Office or place of Delegate for the term of one Year from the first day of this Instant November, unless sooner recalled by the said General Court.

In testimony whereof the Seal of said State is hereunto affixed. Witness John Langdon Esquire President of said State at Concord the Fourth day of November in the Tenth Year of our Independance, and in the Year of our Lord One thousand Seven hundred and Eighty five.

By his Excellency's command with advice of Council

JOSEPH PEARSON, dep. Sec^y.

[SEAL] JOHN LANGDON.[1]

THURSDAY, DECEMBER 8, 1785.

Met and adjourned, the same as yesterday.

FRIDAY, DECEMBER 9, 1785.

Met and adjourned, the same as before.

MONDAY, DECEMBER 12, 1785.

Mr. [Theodore] Sedgwick, a delegate for Massachusetts, and Mr. [Lambert] Cadwallader, a delegate for the state of New Jersey, attended.

[1] The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

Present: Massachusetts, New York, New Jersey, Pennsylvania and South Carolina; and from New Hampshire, Mr. [Pierse] Long, and from Georgia, Mr. [William] Houstoun.

TUESDAY, DECEMBER 13, 1785.

Met and adjourned, the same as yesterday.

WEDNESDAY, DECEMBER 14, 1785.

Met and adjourned, the same as before.

THURSDAY, DECEMBER 15, 1785.

Met and adjourned, the same as before; and from Connecticut, Mr. [William Samuel] Johnson.

FRIDAY, DECEMBER 16, 1785.

Met and adjourned; New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania and South Carolina.

SATURDAY, DECEMBER 17, 1785.

Met and adjourned. New York and New Jersey; and from New Hampshire, Mr. [Pierse] Long; from Connecticut, Mr. [William Samuel] Johnson, and from South Carolina, Mr. [David] Ramsay.

MONDAY, DECEMBER 19, 1785.

Six states assembled; namely, New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, and South Carolina; and from the state of Connecticut, Mr. [William Samuel] Johnson, and from Georgia, Mr. [William] Houstoun.

TUESDAY, DECEMBER 20, 1785.

The same as yesterday; and from Virginia, Mr. [James] Monroe, who produced credentials, by which it appears, that on the 15 of November last, he was, by joint ballot of both

houses of the general Assembly, elected a delegate to serve in Congress from the time of his appointment, until the first Monday in November, 1786.

VIRGINIA, scilicet:

The GENERAL ASSEMBLY of this COMMONWEALTH, on the fifteenth Day of this present month, by joint ballot of both Houses, elected James Monroe esquire, a Delegate tc serve in Congress from the time of his appointment until the first Monday of November one thousand seven hundred and eighty six.

Given under my hand and the Seal of the Commonwealth this 17th Day of November, 1785.

[SEAL] P. HENRY.[1]

WEDNESDAY, DECEMBER 21, 1785.

Met the same as yesterday.

THURSDAY, DECEMBER 22, 1785.

The same as before.

FRIDAY, DECEMBER 23, 1785.

The same as before.

SATURDAY, DECEMBER 24, 1785.

Three States assembled; namely, New Hampshire, New Jersey, and South Carolina; and from Massachusetts, Mr. [Theodore] Sedgwick; from Connecticut, Mr. [William Samuel] Johnson; from New York, Mr. [John] Lawrance, and from Pennsylvania, Mr. [John Bubenheim] Bayard.

MONDAY, DECEMBER 26, 1785.

Five states assembled; namely, Massachusetts, New York, New Jersey, Pennsylvania, and South Carolina; and from the State of New Hampshire, Mr. [Pierse] Long; from Con-

[1] The original is in the *Papers of the Continental Congress*, Virginia, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

necticut, Mr. [William Samuel] Johnson; from Virginia, Mr. [James] Monroe, and from Georgia, Mr. [William] Houstoun.

TUESDAY, DECEMBER 27, 1785.

Mr. [Stephen Mix] Mitchel, a delegate for Connecticut, attended.

Congress assembled: Present, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and South Carolina; and from the state of Virginia, Mr. [James] Monroe, and from Georgia, Mr. [William] Houstoun.

WAR OFFICE, *December 13th, 1783.*

The Secretary of the United States for the department of war to whom was referred the petition of Roger Waupie, David Fowler, Elijah Wympoh and John Frecky a committee of Indians settling at Brotherton on the lands of the Oneidas, Reports—

That the Indians specified in the petition are the remnants of the partly civilized tribes from the east end of Long Island, Narraganset, and other places within the inhabited country.

That they removed to the frontiers previous to the late war, where the Oneida tribe alotted them lands for cultivation, and for the confirmation of which the emigrants have petitioned the legislature of the state of New York. It may be easily conceived that these indians are poor and have all the difficulties of new settlers to encounter, but it does not appear that they have any special claims for assistance on the United States.—

It may, however, be consistent with the general principles of policy necessary to be observed towards the indians, to comply so far with their petition as to make them a present of some books upon morality and religion—On this principle the following resolution is submitted to Congress:

Resolved, That the Secretary at war be authorized and directed to purchase a number of books on morality and religion not exceeding the sum of fifty dollars and present the same in the name of the United States in Congress assembled to the remnants of several tribes of indians settled at Brotherton on the lands of the Oneidas.—

H. KNOX.[1]

[1] This report is in the *Papers of the Continental Congress,* No. 151, folio 129. According to indorsement it was read this day.

WAR OFFICE, *December 9th, 1785.*

The Secretary of the United States for the department of war to whom was referred a memorial of captain John Sullivan for pay and commutation, begs leave to report the following state of facts

That captain John Sullivan in common with other officers was furloughed for an indefinite period in consequence of the resolution of Congress of May 26th 1783:

That during the existence of the said furlough and previous to the general discharge of the Army he left the United States without special permission for that purpose:

On this statement arises the question which perhaps may be proper only for Congress to decide: Whether the so withdrawing himself from the United States the nature of the furlough being considered is to be deemed a relinquishment of the emoluments due to those officers who should serve to the end of the war?

All which is submitted to Congress.

H. KNOX.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 38, folio 219. According to indorsement it was read this day.

DECEMBER 27: The following committees were appointed: Mr. [William] Houstoun, Mr. [William] Grayson, Mr. [John] Kean, Mr. [Charles] Pettit and Mr. [William Samuel] Johnson, "to prepare and report An Ordinance for regulating the Post Office." This was a renewal of the committee of March 14 and to this renewed committee was also referred a letter of the Secretary at War, dated December 13, requesting establishment of a post to Vincennes. This committee was again renewed February 25, 1786. Knox's letter is in No. 78, XIII, folio 617.

Mr. [Pierse] Long, Mr. [Rufus] King and Mr. [James] Monroe, on memorial of Thomas Hutchins in behalf of Benjamin Tupper, William W. Morris and others, surveyors in the Western Territory, praying reinbursement for necessary expenditures. A report was rendered September 14, 1786, and acted on September 25. The memorial, dated December 27, is in No. 41, IV, folio 301.

Mr. [Charles] Pettit, Mr. [John] Kean and Mr. [John Bubenheim] Bayard, on letter of November 29 from John Wingrove on promoting the commercial interests of the United States in the East Indies. A report was rendered January 31, 1786.

Also, a memorial of Peter Allaire, of New York, proposing to supply copper coins, was referred to the Board of Treasury to report. It is in No. 139, folio 487.

Committee Book No. 190.

Also, according to indorsement, was read a memorial of Henry Delay, John Holes, Cornelius Ludlow, Benjamin Stites and Henry Enochs, praying the grant of a tract of land in the Western Territory. It is in No. 41, II, folio 537.

Also a letter from John Hancock, accepting the office of President of Congress. It is in No. 58, folio 43.

WEDNESDAY, DECEMBER 28, 1785.

Congress assembled. Present, as yesterday.

On the report of a committee, consisting of Mr. [Rufus] King, Mr. [David] Howell and Mr. [William] Hindman, to whom was referred a motion of Mr. [David] Howell,

Resolved,[1] That the board of Treasury be, and hereby are declared to be vested with full authority to superintend and examine the conduct of all Officers employed in the Department of the Treasury, and of the several Commissioners appointed, or that hereafter may be appointed for the settlement of the public accounts, as well those of the Five great departments, as those authorized to adjust the accounts between the United States and individual States. And in case any of the said Officers, or Commissioners, shall unnecessarily absent themselves from their respective Offices, or shall engage in any business inconsistent with, or that may hinder a constant discharge of the duties of their several appointments, it shall be the duty of the board of Treasury to make immediate report thereof to Congress, that such measures may be adopted thereon, as Justice and the public interest may require.[2]

The Committee [Mr. John Cleves Symmes, Mr. John Lawrance and Mr. William Samuel Johnson] to whom was referred the motion of Mr. Kean relative to an Allowance to the President for the support of his Household, Report—

That they are of opinion it would be proper to allow the President of Congress a sum not exceeding Twelve Thousand Dollars for the support of his Household including the Salary of his private Secretary, House rent, Steward, and Servants' Wages, and all other expenses whatever, commencing the first Monday in November last and ending the first Monday in November next.[3]

[1] At this point Roger Alden commences the entry in the Journal.

[2] See *ante*, November 1.

[3] This report, in the writing of John Lawrance, is in the *Papers of the Continental Congress*, No. 23, folio 369. The indorsement states that it was read on this day and "settled by act 23 March, 1787." Committee Book No. 189 explains the delay by noting that on December 28, 1785, the report was transferred.

OFFICE OF SECRETARY OF CONGRESS,
Dec.r 1785.

On the letter of the 12 of Sept.r 1785 from Mr. Joseph Brown of London, informing that "by the *Edward* Capt Cooper he has sent addressed to the care of Charles Thomson two framed impressions of Gen.l Washington and Gen.l Greene—that the plates of those prints have been executed at his expence and he shall have great satisfaction if Congress will do him the honor to accept these impressions and deem them worthy of being placed near the Seat of their deliberations,"

The Secretary of Congress reports,

~~That the prints are received; he therefore submits that the letter be referred to a committee.~~

Agreed to. D[avid] R[amsay, Chairman].

Dec 28. *Ordered,* That the letter be referred to the Secy. of Congress to take order.[1]

OFFICE OF SECR.y OF CONGRESS,
Dec.r [1785].

On the petition of Thomas Hickling, praying to be appointed Consul of the United States of America for the Western isles,

The Secretary of Congress reports,

Agreed to. D[avid] R[amsay, Chairman].

That it be filed with other petitions of a similar nature.[2]

OFFICE OF SECRETARY OF CONGRESS,
Dec.r 28, 1785.

On the letter of 16 Sept. 1785, from James Wilkie of Marseilles forwarding a letter from Algiers, and offering his service where he can be of any use;

And on the letter of 28 Aug. from R. Obryen, Z. Coffin and J. Stephens, dated at Algiers and giving an account of the capture of the Ship *Dauphin,* Rich.d Obryen master of Philad.a on the 30 July, 1785; and the Schooner *Maria,* J. Stephens master of Boston on 27 July, by the Algerines;

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[1] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress,* No. 180, *Reports of the Secretary of Congress.* Two letters of Brown, August 3 and September 12, 1785, are entered, together with the order of December 28, by Benjamin Bankson, in Resolve Book No. 123.

[2] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress,* No. 180, *Reports of the Secretary of Congress;* it appears to have been acted on this day.

The Secretary of Congress reports,

Agreed to. D[avid] R[amsay, Chairman].

That the said letter be referred to the Secretary for foreign Affairs to report.[1]

On the petition of the Inhabitants of Kaskaskies and the Neighbouring villages dated the 10 Nov[r] 1784,[2] praying Congress to grant them a power of choosing magistrates, who shall hold their Offices during good behaviour;

2d. A Judicature to which there shall be an appeal from the Judgment of the Magistrates in certain cases;

3d. to prevent the abuse arising from Individuals engrossing great quantities of land, with a view of selling them at exorbitant prices;

4th. That in case troops are sent among them, they may not be exposed to the disorder they have heretofore experienced from them, but that the Commanding Officer be obliged to apply to a Magistrate for what he wants;

5th. That the Officer sent among them may be one who understands their language; and

6th. That, in consideration of their losses by the overflowing of the Missisippi and the dread of the savages, by which they have been several times compelled to abandon their habitations, they may be for some years exempt from taxes, and that when they shall be obliged to pay them, they may be allowed to choose from among themselves persons who, taking cognizance of what each Individual possesses, may be able to decide what each ought to pay;

The Secretary of Congress reports,

That in the year the French and Canadian Inhabitants, and other Settlers of the Kaskaskies, St. Vincents, and the neighbouring villages stipulated with General Clarke to become Subjects and Citizens of the Commonwealth of Virginia, on condition that their possessions and titles should be confirmed to them, and that they should be protected in the enjoyment of their rights and liberties for which purpose troops should be stationed there to protect them from the encroachments of the british forces at Detroit or elsewhere, unless the events of the war should render it impracticable

That the Legislature of Virginia in their Act of 2d. Jany, 1781, resolved that they would yield to the Congress of the United States for the benefit of the said States all right, title and claim, which the said Commonwealth had to the lands northwest of the river Ohio on

[1] See note from Committee Book No. 198, for December 28, *post*.

[2] At this point Roger Alden takes up the entry.

certain conditions, the 3d. of which was, "that the French and Canadian Inhabitants and other settlers at the Kaskaskies, St. Vincents and the neighbouring Villages who have professed themselves citizens of Virginia, should have their possessions and rights confirmed to them, and should be protected in the enjoyment of their rights and liberties, for which purpose troops should be stationed there at the charge of the United States to protect them from the encroachments of the British forces at Detroit or elsewhere, unless the events of the war should render it impracticable". With respect to this condition Congress agreed on the 15th Sept. 1783, That the settlers before described should have their possessions and titles confirmed to them, and be protected in the enjoyments of their rights and liberties.

That in consequence of these previous stipulations the Delegates of the Commonwealth pursuant to an Act of the legislature of that State, did on the 1st of March, 1784, execute a deed conveying to the United States in Congress assembled all the right of that Commonwealth to the territory Northwestward of the Ohio on the terms and conditions contained in the beforementioned Act of Congress of 13th Sept. 1783, which deed was accepted and ordered to be recorded and enrolled among the Acts of Congress.

The Secretary farther reports,

That in November, 1784, Mr. Carboneaux presented to Congress a memorial in behalf of the sd. Settlers and Inhabitants, in consequence of which Congress on the 21st Feby. 1785, resolved that one or more Commissioners be appointed to repair to the Kaskaskies and Illinois settlements, and afterwards on the 15th June, 1785, they passed an Act, whereby the Commissioners for treating with the western Indians were ordered to endeavour to obtain from the Inhabitants of Kaskaskies, St. Vincents and others a Statement of their rights to lands within the sd. Country guarantied to them by Congress in their acceptance of the Virginia Cession with the origin and extent thereof, and to administer to the said Inhabitants an Oath of Allegiance in terms prescribed in the said Act. That on the 29th of the said Month of June Congress repealed so much of the Act of the 15th as required the Commissioners to obtain from the Inhabitants of Kaskaskies, St. Vincents and others a statement of their rights to lands and to administer an Oath to the said Inhabitants.

That the Act of 21st Feby. last stands unrepealed, and the appointment of one or more Commissioners to repair to the Kaskaskies continues an order of the day, and that there is now before Congress a

report of a Committee on the powers and instructions to be given to the said Commissioners.

On this state of facts the Secretary of Congress submits,

That a day be assigned for the consideration of the report of the Committee on the powers and Instructions to be given to the Commissioner or Commissioners to be appointed to proceed to the Kaskaskies and Illinois settlements.

On the letter of 28th Decr. from Nathaniel Sacket requesting a speedy determination of Congress on a memorial which he presented in behalf of himself and his Associates, on the 22d August last;

The Secretary of Congress reports,

That the United States in Congress assembled by their Act of the the 23d. April 1784, and the Ordinance they passed on the 20th May, 1785, have decided on the subject matter of the memorial referred to, and therefore submits,

Agreed to 2 Jany. That the letter be filed.

For the same reason the Secretary of Congress reports

Postponed 2 Jany. 1786.[1] That the memorial of Henry Delay, John Hole, Cornelius Ludlow, Benjamin Stiles and Henry Enoch be filed.

[1] These notes are in Thomson's writing. These proceedings, as stated *ante*, were entered in No. 180, *Reports of the Secretary of Congress*, by Roger Alden.

DECEMBER 28: The following committees were appointed:

Mr. [Rufus] King, Mr. [William Samuel] Johnson and Mr. [Nathan] Dane on "Instructions from the Assembly of Pennsylvania to Delegates in Congress respecting Sic Keesar and other East Indians." A report was rendered December 30. The instructions are in No. 69, folio 533; the Indian memorial is on folio 537. See *post*, December 30.

Mr. [John Bubenheim] Bayard, Mr. [Rufus] King and Mr. [Stephen Mix] Mitchel, on "Proposals for reprinting Journals of Congress." Report was rendered January 30.

Also "Letter 16th Sept 1785 from Jas Wilkie with a letter from Richd OBryen and others, captured by the Algerines, in the *Dauphin* and Schooner *Maria*." Also "Meml of Coxe & Frazier, Donaldson & Coxe for Sea Letters for the Ship Canton" were referred to the Secretary for Foreign Affairs to report. Report on Wilkie and OBryen was rendered January 5; that on Coxe & Frazier etc. January 2. Wilkie's letter is in No. 78, XXIV, folio 567; the memorials of Coxe and others are in No. 41, II, folios 216–220; O'Bryen's is in No. 42, VI, folio 117. Jay's letter forwarding the memorials is in No. 80, II, folio 85.

Also letters from John Adams, dated October 15, 17, 21, 25 and 27, 1785, which were forwarded this day by the Secretary for Foreign Affairs, were referred to the said Secretary to report. He reported February 1, 1786. The Adams letters are in No. 84, V, folios 661, 665, 673, 689 and 709 respectively. Jay's letter, forwarding those of Adams, is in No. 80, II, folio 81.

Committee Book No. 190.

THURSDAY, DECEMBER 29, 1786.[1]

Congress assembled. Present as before.[1]

On motion of Mr. [Pierse] Long, seconded by Mr. [Samuel] Livermore,

Ordered, That the Board of Treasury shall call on Captain John Paul Jones, now in Europe, to make a distribution of the monies he may have received belonging to the Officers and Crews of the Ships that were under his command for the prizes to which they were entitled. [2]

[OFFICE OF SECRETARY OF CONGRESS,
Dec.r 29, 1785.]

On the letter of 29th December from Mr. A. Lee, one of the Commissioners of the board of Treasury, stating that process has been served upon him in this city at the suit of William Colbreath for recovery of damages alledged to have been sustained in consequence of the seizure of his spirituous liquors at fort Stanwix during a treaty with the six nations, and informing that he has given bail to the Sheriff, and employed Council to answer the suit; and that he has also desired the Council to move the Court for breach of privilege in all persons concerned in issuing the writ of Arrest, and requesting the Orders of Congress, either to proceed in the question of privilege or confine himself to defending the suit for damages,

Consideration postponed.[3]

The Secretary of Congress reports,
That the letter be referred to a Committee.

[1] At this point Thomson resumes the entries in the Journal.

[1] Also on this day, according to indorsement, the Instructions to the delegates of Massachusetts on the petition of John Rowe and others to obtain compensation from Great Britain "for goods and merchandize taken by the order of the Commander in Chief of the British Army at Boston" was read and referred to the Secretary for Foreign Affairs to report. The Instructions and accompanying papers are in No. 74, folios 231–342. The matter was acted on by Congress January 31, 1786.

[2] This motion, in the writing of Pierse Long, is in the *Papers of the Continental Congress*, No. 36, III, folio 199. The text, as above, was entered in the Journal by Thomson under December 28 and later crossed out. According to Committee Book No. 190 the motion was offered December 29 and referred to the Board of Treasury to take order. Resolve Book No. 123 also has a note of the motion and order of Congress thereon, under this latter date, in the writing of Benjamin Bankson.

[3] This note is in Thomson's writing. The report is entered in No. 180, *Reports of the Secretary of Congress*, by Roger Alden. In the rough draft by Thomson,

FRIDAY, DECEMBER 30, 1785.

Congress assembled. Present as before.[1]

The committee [consisting of Mr. Rufus King, Mr. William Samuel Johnson and Mr. Nathan Dane] to whom was referred the instruction of the commonwealth of Pensylvania to their Delegates in Congress, on the subject of Sic Keesar and other natives of India and China praying for a support while within the U. S. and a passage at the public Expence to China report—

That from the facts stated by the memoralists it would be inexpedient for Congress to comply with their request.[2]

No. 49, folio 293, he has noted: "30 Decr 1785, postponed." Lee's letter is in No. 78, XIV, folio 697.

DECEMBER 29: On this day was read a letter of December 29 from the Secretary for Foreign Affairs forwarding a letter of December 21 from J. Temple. It was referred back to said Secretary "to report on the propriety of the application and expediency of a reply." A report was rendered January 2. Temple's letter which suggested action by Congress to enable American loyalists to obtain copies of evidence in the files of Congress substantiating their losses, is in No. 92, folio 491. Jay's forwarding letter is in No. 80, II, folio 89.

Also, a letter of December 29, from the Secretary for Foreign Affairs, forwarding a note from Mons. Otto of November 30 "respecting paymts of Interest &c." was referred to the Board of Treasury to report and report rendered February 8. Jay's letter is in No. 80, II, folio 93.

Also, a letter of December 29, from the Secretary for Foreign Affairs, regarding a brevet from the French chargé d'affaires appointing Mons. de la Forest Vice-consul of France, was referred back to said Secretary to report and report rendered January 6. Jay's letter is in No. 80, II, folio 97; it is endorsed: "Commission registered orgl retd to Off. For. Affrs. Jan. 9, 1786." A translation of Otto's note is on folio 77.

Also "the report of W: Barber on acct of Levy Solomon" was referred to the Board of Treasury to report.

Committee Book No. 190.

[1] On this day, according to Thomson's note, consideration of his report on the letter of Arthur Lee, of December 29, was postponed by Congress. See *ante*, December 29.

[2] This report, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 19, III, folio 325. According to indorsement it was read this day. See *ante*, December 28.

Also on this day according to Committee Book No. 190 and indorsement, was read a letter from the Secretary for Foreign Affairs, of December 30, forwarding a letter from Don Diego de Gardoqui, of December 27, with a decree of the King of Spain ordaining what flags should be used by the Spanish navy and merchant vessels. It was referred to said Secretary to report and report was rendered January 6, 1786. Jay's letter is in No. 80, II, folio 101; Gardoqui's on folio 108 and the King's decree on 105.

Whereas doubts have arisen with some of the Commis^rs appointed under the resolution of the 20th of February, 1782, for the settlement of the accounts of States and Individuals within the same against the United States, whether the resolution of the 3^d of June, 1784, admitting circumstantial evidence in support of such claims, where no written vouchers are or can be produced should be confin'd to the Claims of Individuals only, or extend also to those of the States, which hath occasioned a delay in the settlement of the accounts of States thus circumstanced to their material injury; and whereas the principle upon which such mode of settlement is authorized with respect to the Claims of Individuals will admit of no discrimination, but must, in justice and good faith, apply equally to those of States; the more fully therefore to explain the objects of the said resolution, and to remedy the afores^d inconvenience, it is hereby resolved,

That the Commissioners authorized to settle the Accounts of States and Individuals within the same against the United States be instructed, that in cases where no written vouchers are or can be produced and they shall receive satisfactory evidence that such vouchers have been destroyed or lost, or that from the circumstances of the case they have never been obtained, they shall receive such other evidence in support of said Claims of States as well as Individuals, as shall be satisfactory to them and the best that the circumstances of the case will admit. And in case the said Commissioners or any of them doubt the truth or justice of any Account presented to them for settlement, whether accompanied with written Vouchers or not, they shall examine him if an Individual, and if an Officer on the part of the State, the said Officer or such other persons as he shall think proper, at their discretion upon Oath as well respecting the circumstances of the Vouchers, as the justice and validity of the Claims respectively, provided that they shall allow no claim unless it shall be supported by satisfactory evidence.[1]

[1] This motion, in the writing of a clerk, is indorsed by Thomson: "Mr. Monroe's Motion Decr 30, 1785, Order of the day for Monday 9 Jan^y, 1786." It is in No. 136, II, folio 210.

BIBLIOGRAPHICAL NOTES

BIBLIOGRAPHICAL NOTES

February 2.

Counterfeiting of Army certificates.

446. Proclamation. / By the United States in Con- / gress Assembled. F°. Broadside.

A copy is in the Library of Congress. It measures 41.6 x 27 cms. This seems to have been an edition of 300 copies, from the press of John Dunlap, run off February 3. *Papers of the Continental Congress*, No. 146, Register of Accounts.

[February 2.]

Frauds in Army certificates.

447. The Committee consisting of to whom / was referred a Motion, submit the following Report./ F°. Broadside.

This report was delivered and printed on some unknown date between January 31 and May 13. There seems to be no available record of subsequent action. See Journals for February 2. A copy is in the Library of Congress. It measures 43 x 26 cms.

February 8.

Report on Invalids.

448. The Committee consisting of Mr. M'Henry, Mr. Dick, / and Mr. Williamson, to whom was referred a motion of Mr. / M'Henry, respecting Invalids, submit the following Resolves. / F°. Broadside.

A copy is in the Library of Congress. It measures 42.7 x 24.3 cms. McHenry's motion was offered April 20, 1784. An edition of 60 copies from the press of John Dunlap.

February 11.

Report on frauds in settlement of Accounts.

449. The Committee consisting of Mr. Williamson, Mr. Stewart / and Mr. Hardy, to whom was referred a Letter from the Su- / preme Executive of the State of Pennsylvania, dated 20th De- / cember; a Letter dated 24th January, from William Denning, / Esquire, Auditor of Accounts; and sundry other Letters and Pa- / pers—beg leave to report, / F°. Broadside.

A copy is in the Library of Congress. It measures 41 x 24.6 cms. An edition of 60 copies from the press of John Dunlap, run off February 13. *Papers of the Continental Congress*, No. 146, Register of Accounts.

February 21.

Report on Western Posts.

450. The Committee to whom was referred a Motion of Mr. / R. R. Livingston, and two Motions of Mr. Monroe, relative to / the Western Posts, together with a Letter from Major North,— submit the following Report. / F°. Broadside.

A copy is in the Library of Congress. It measures 41 x 24 cms. It bears ms. changes in the writing of James Monroe and is indorsed by Thomson: "For taking possession & Securing frontiers." From the press of John Dunlap, an edition of 60 copies run off February 26. *Papers of the Continental Congress*, No. 146, Register of Accounts.

February 23.

Settlement of Accounts.

451. By the United States in Con- / gress Assembled. / February 23, 1785. / Resolved, / F°. Broadside.

A copy signed in ms. by Chas. Thomson, Secy., is in the Library of Congress. It measures 42.6 x 26.3 cms. From the press of John Dunlap, an edition of 200 copies was run off February 26. *Papers of the Continental Congress*, No. 146, Register of Accounts.

February 28.

Settlement of accounts.

452. The Committee consisting of Mr. Gerry, Mr. William- / son and Mr. Hardy, to whom were referred a Motion of Mr. Gerry, and a Motion of Mr. Howell, submit the fol- / lowing Resolves. / F°. Broadside.

A copy is in the Library of Congress. It measures 34 x 24.8 cms. and bears ms. changes by Thomson, bringing it into conformity with the final action taken March 17. From the press of John Dunlap, an edition of 60 copies run off March 6. *Papers of the Continental Congress*, No. 146, Register of Accounts.

February.

Ordinance for regulating the office of Secretary of Congress.

453. The Committee consisting of Mr. Howell, Mr. Monroe, Mr. Pinck- / ney, Mr. R. R. Livingston and Mr. Gardner, appointed to revise the Insti- / tution of the Office of the Secretary of Congress, and to report such Altera- / tions as they may judge necessary,— beg leave to report the following Draft of an Ordinance, / F°. Broadside.

A copy is in the Library of Congress. It measures 37.5 x 23.3 cms. It was printed by John Dunlap, in an edition of 60 copies, March 1, and this copy bears Thomson's ms. alterations bringing it into the form passed March 31.

March 4.

Ordinance for disposing of Western Lands.

454. An Ordinance for ascertaining the Mode of disposing of Lands / in the Western Territory. / F°. Broadside.

A copy is in the Library of Congress. It is in double column and measures 42.7 x 26.2 cms. It has ms. changes thereon in the writing of William Samuel Johnson. This imprint is the form in which it passed the 1st reading in 1780. See Bibliographic Notes for 1784. From the press of John Dunlap, an edition of 100 run off March 2. *Papers of the Continental Congress*, No. 146, Register of Accounts.

March 4.

Report on Southern Indians.

455. The Committee consisting of Mr. Hardy, Mr. Houston, Mr. Read, / Mr. Williamson, and Mr. Holten, to whom was referred the Report of a Committee on the State of Southern Indian Affairs, beg / leave to submit the following Report. / F°. Broadside.

A copy is in the Library of Congress. It measures 42.8 x 25.2 cms. From the press of John Dunlap, an edition of 60 copies, run off March 8. *Papers of the Continental Congress*, No. 146, Register of Accounts.

March 7.

Report on treaties with Indians in Northern and Middle Departments.

456. The Committee consisting of to whom / were referred a Letter and sundry Papers from the Commissioners for negotiating Treaties with the In- / dians pursuant to the Act of 15th October, 1783, beg leave / to report the following Resolutions. / F°. Broadside.

A copy is in the Library of Congress. It measures 37.6 x 24 cms. and bears ms. changes by Thomson, bringing it into conformity with the final action taken by Congress on March 18. From the press of John Dunlap, an edition of 60 copies, run off March 10. *Papers of the Continental Congress*, No. 146, Register of Accounts.

March 14.

Customs duties at Marseilles etc.

457. State / of the / Duties / Payable by Vessels of the / United States / of / America, / In the Ports of Marseilles, Bayonne, L'Orient, / and Dunkirk. / Published by Order of the Honorable John Jay, Esquire, / Secretary of the United States, for the Department of / Foreign Affairs. / New-York: / Printed and Sold by F. Childs and Co. No. 17, Duke-Street. / New-York, 14th March, 1785, the foregoing

Tables faithfully translated from the Original, by Ben. Walker, I. F. L. F°. [1–2] 3–19 pp.

See Journal under February 7, 1785.

March 14.

Report on Kaskaskies.

458. The Committee to whom were referred the Petition of het / Inhabitants of the Kaskakies and its Vicinity, / and the Papers relative thereto, — Report, / F°. Broadside.

A copy is in the Library of Congress. It measures 43 x 26.3 cms. This copy was the one owned by Mr. William Samuel Johnson, and is indorsed by him "Postpd". See *Journal*. From the press of John Dunlap, an edition of 60 copies, run off March 16. *Papers of the Continental Congress*, No. 146, Register of Accounts.

March 16.

Ordinance for disposing of Western Lands.

459. An Ordinance for ascertaining the Mode of disposing of Lands / in the Western Territory. / F°. 2 pp.

A copy is in the Library of Congress. It is in double column and measures 44.2 x 27 cms. It bears ms. changes in the writing of Benjamin Bankson, bringing it into conformity with the later action of Congress. This imprint is the form, apparently, in which the ordinance passed the 2d reading. See Bibliographic Notes, April 12, *post*.

March 17.

Resolves on settlement of Accounts.

460. By the United States in Con- / gress Assembled. / F°. Broadside.

A copy, signed in ms. by Chas. Thomson Secy., is in the Library of Congress. It measures 43 x 26.3 cms. From the press of John Dunlap, an edition of 200 copies, run off March 19. *Papers of the Continental Congress*, No. 146, Register of Accounts.

March 17.

Report on Baron Steuben.

461. The Committee to whom were referred a Letter / from Baron de Steuben, dated New-York, Febru- / ary 5, 1785, beg leave to submit the following Report. / F°. Broadside.

A copy is in the Library of Congress. It measures 37.7 x 24.7 cms. From the press of John Dunlap, an edition of 60 copies, run off March 21. *Papers of the Continental Congress*, No. 146, Register of Accounts.

March 28.

Report on regulation of Trade.

462. The Committee consisting of to whom was referred the / Motion of Mr. Monroe, submit the following Report. /

F°. 2 pp.

A copy is in the Library of Congress. It is in double column and measures 41.9 x 24.4 cms. From the press of John Dunlap, an edition of 60 copies, run off March 30. *Papers of the Continental Congress*, No. 146, Register of Accounts.

March 31.

Ordinance regulating the Office of Secretary of Congress.

463. By the United States in / Congress Assembled. / March 31, 1785. / An Ordinance. . . .

F°. Broadside.

A copy is in the Library of Congress. It measures 32.4 x 20.6 cms. From the press of John Dunlap, an edition of 100 copies, run off April 17. *Papers of the Continental Congress*, No. 146, Register of Accounts.

March 31.

Report on Requisitions for 1785.

464. The Grand Committee consisting of Mr. Howell, Mr. Foster, Mr. King, Mr. Cook, Mr. Platt, Mr. Cadwallader, Mr. Henry, Mr. / Bedford, Mr. McHenry, Mr. Hardy, Mr. Williamson, Mr. Pinckney and Mr. Houstoun, appointed to report a Requisition on the / States for the Supplies of the present Year, beg leave to lay before Congress, the following Report. / F°. Broadside.

Copies are in the Library of Congress. The broadside is printed in double column and measures approximately 53 x 43 cms. It was run off by John Dunlap on April 2. *Papers of the Continental Congress*, No. 146, Register of Accounts. Two of the imprints bear ms. changes by Charles Thomson which bring the text into accord with the form reached April 14.

April 1.

Report on Western Posts.

465. The Committee to whom was referred a Motion of Mr. / R. R. Livingston, and two Motions of Mr. Monroe, relative to / the Western Posts, together with a Letter from Major / North, — submit the following Report. / F°. Broadside.

A copy is in the Library of Congress. It measures 43 x 27 cms.

April 4.

Reports on letter of Cyrus Griffin and John Lowell; Petition of Joseph Ellis and case of Daniel Darby.

466. (1) The Committee to whom were referred a Letter of the of / December from the honorable Cyrus Griffin and John Lowell, Esquires, / Judges of the Court of Appeals, and a Motion of Mr. Howell's, Re - / port, /

(2) The Committee to whom was referred the Petition of Joseph / Ellis, praying a re-hearing in the Case of the Sloop Hannah, condemned / in the Court of Admiralty of the State of New-Jersey, a Reversal of which / Decree was obtained before the Judges of Appeal; together with a Re- / port of the Secretary of Foreign Affairs, in the Case between Daniel Darby, / qui tam, Appellant, and the Imperial Brig Ersten and her Cargo, Pd. / Thomson, Master, &c. beg leave to recommend that it be / Resolved, / F°. Broadside.

A copy is in the Library of Congress. It measures 42.8 x 26.5 cms. From Dunlap's press, run off April 6 in an edition of 60 copies. *Papers of the Continental Congress*, No. 146, Register of Accounts.

April 6.

Report on Slavery in new States.

467. The Committee consisting of, &c. to whom was refer- / red a Motion of Mr. King, for the Exclusion of invo- / luntary Servitude in the States described in the Resolve of Con- / gress of the 23d Day of April, 1784, submit the following / Resolve. 4°. Broadside.

A copy is in the Library of Congress. It measures 26.5 x 21.2 cms. Another copy in the *Papers of the Continental Congress*, No. 31, folio 331, bears the following indorsement by Charles Thomson: "To prevent slavery in the new states. Included in substance in the Ordinance for a temporary government of western territory passed the 13 July 1787." From the press of John Dunlap, an edition of 60 copies, run off April 11. *Papers of the Continental Congress*, No. 146, Register of Accounts.

April 12.

Ordinance for disposing of lands in the Western Territory.

468. An Ordinance for ascertaining the Mode of disposing of Lands / in the Western Territory. / F°. Broadside.

A copy is in the Library of Congress. It is in double column and measures 42.7 x 26.7 cms. See Journals, April 15. This imprint seems to be the re-committed Ordinance noted in the Journals of April 14 as read the *first* time. From the press of John Dunlap, an edition of 100 copies, run off April 15. *Papers of the Continental Congress*, No. 146,

Register of Accounts. Another charge shows an edition of 60 copies run off April 25; the information is too meagre to enable a positive identification but it is, probably, the form of the second reading.

April 14.

Report on Requisitions for 1785.

469. The Grand Committee to whom was recomitted a Report, on the Subject of Supplies for the Year One / Thousand Seven Hundred and Eighty-five, submit the following Report. /

F°. Broadside.

Copies are in the Library of Congress. They are in double column and measure, approximately, 52 x 43 cms. One of the copies bears ms. changes by Thomson bringing it into conformity with the action of April 19. From the press of John Dunlap, an edition of 60 copies, run off April 20. *Papers of the Continental Congress*, No. 146, Register of Accounts.

April 18.

Report on Pierre Landais.

470. The Committee to whom was referred the Memorial / of Mr. P. Landais, Report, /

F°. Broadside.

A copy is in the Library of Congress. It measures 41 x 22.2 cms. From the press of John Dunlap, an edition of 60 copies run off April 21. *Papers of the Continental Congress*, No. 146, Register of Accounts.

April 21.

Eastern Boundary.

471. The Secretary of the United States for the De- / partment of Foreign Affairs, to whom was refer- / red the Papers herewith enclosed, respecting the Eastern Boun- / dary Line of the said States, Reports, /

F°. 2 pp.

A copy is in the Library of Congress. It measures 42.5 x 25 cms. From the press of John Dunlap, an edition of 60 copies, run off April 23. *Papers of the Continental Congress*, No. 146, Register of Accounts.

April 27.

Report on Invalids.

472. The Committee consisting of Mr. M'Henry, Mr. Dick and / Mr. Williamson, to whom was referred a Motion of Mr. / M'Henry, respecting Invalids, submit the following / Resolves. /

F°. 2 pp.

A copy is in the Library of Congress. It measures 43 x 24.3 cms. From the press of John Dunlap, an edition of 60 copies, run off April 30. *Papers of the Continental Congress*, No. 146, Register of Accounts.

May 3.

Report on Indian Treaties.

473. The Committee to whom was referred the Letter of the / Commissioners authorised to form Treaties with the In- / dian Tribes, having conferred with the said Commissioners / upon the subject of their Letter, and the Resolutions of 18th of March, / directing a Treaty to be held at Post St. Vincent, on the / day of June next, Report, / F°. 2 pp.

A copy is in the Library of Congress. It measures 41.9 x 26.5 cms. From the press of John Dunlap, an edition of 60 copies, run off May 3. *Papers of the Continental Congress*, No. 146, Register of Accounts.

May 3.

Indian treaty at Vincennes.

474. The Committee to whom was referred the Letter of the / Commissioners authorised to form Treaties with the In- / dian Tribes, having conferred with the said Commissioners / upon the subject of their Letter, and the Resolutions of 18th of March, / directing a Treaty to be held at Post St. Vincent, on the / day of June next, / Report, / F°. (2 pp.)

A copy is in the Library of Congress. It measures 44.2 x 27.7 cms. The report was read this day and printed for consideration by Congress on May 5.

May 13.

Mint.

475. Propositions respecting the Coinage / of Gold, Silver, and Copper. / F°. 12 pp.

A copy is in the Library of Congress. It measures 36 x 21.7 cms. See Journals this date. From the press of John Dunlap, an edition of 100 copies was run off June 2. *Papers of the Continental Congress*, No. 146, Register of Accounts.

May 13.

Report on Söderström's letter.

476. Office for Foreign Affairs, 13th May, 1785. / The Secretary of the United States for the De- / partment of Foreign Affairs, to whom was referred a Letter / of the 21st March last, from Richard Soderstrom, Reports as his Opinion, / F°. Broadside.

A copy is in the Library of Congress. It measures 42 x 26.8 cms. From the press of John Dunlap, an edition of 60 copies was run off May 20. *Papers of the Continental Congress*, No. 146, Register of Accounts.

May 18.

Ordinance for disposing of Western Lands.

477. An Ordinance for ascertaining the Mode of disposing of Lands / in the Western Territory. / F°. 2 pp.

Copies are in the Library of Congress. They measure approximately 41.6 x 26.2 cms. and bear ms. changes in the writing of Rufus King, Charles Thomson and William Samuel Johnson. One of these imprints is indorsed by Thomson: "The 3d Reading May 18, 1785, Ordered to be postponed to the 19 May Passed May 20, 1785." This particular imprint, with King's and Thomson's ms. changes, brings it into conformity with the Ordinance as passed May 20. From the press of John Dunlap, an edition of 60 copies run off May 9. *Papers of the Continental Congress*, No. 146, Register of Accounts. On May 19 another edition of 60 copies was run off.

May 20.

Ordinance for disposing of Western Lands.

478. May 20, 1785. / An Ordinance for ascertaining the Mode of disposing of Lands / in the Western Territory. / F°. [4 pp.]

A copy is in the Library of Congress. It measures 36 x 21.3 cms. This is the Ordinance in final form. It is preceded by the Resolve of April 23, 1784, and this copy is signed in ms. by Chas. Thomson Secy From the press of John Dunlap, an edition of 500 copies was run off on May 26. *Papers of the Continental Congress*, No. 146, Register of Accounts.

June 1.

Report on letter from Cyrus Griffin and John Lowell and other matters.

479. The Committee consisting of Mr. / Pinckney, Mr. R. R. Livingston, Mr. King, Mr. Monroe / and Mr. Johnson, to whom were referred a letter of the / of December, from the honorable Cyrus Griffin and John / Lowell, esquires, judges of the court of appeals, and a mo- / tion of Mr. Howell's; — to whom also were referred the petition of Joseph / Ellis, etc. . . . Report,

F°. Broadside.

A copy is in the Library of Congress. It measures 42.3 x 26.6 cms. From the press of John Dunlap, an edition of 60 copies was run off June 6. *Papers of the Continental Congress*, No. 146, Register of Accounts.

June 3.

Indian Treaties.

480. Articles of a Treaty, / concluded at Fort Stanwix, on the twenty-second day of October, one / thousand seven hundred and eighty-four, . . .

Articles of a Treaty, / concluded at Fort M'Intosh, the 21st day of January, 1785, . . . F°. (4 pp.)

A copy is in the Library of Congress. It measures 31.7 x 19.9 cms. It was published by order of Congress, June 3, 1785.

June 7.

Pensions.

481. By the United States in Congress / Assembled. / June 7, 1785. / Resolved, / F°. (2 pp.)

A copy is in the Library of Congress. It measures 33.2 x 20.3 cms. and is signed in ms. by Chas. Thomson, Secy In the *Papers of the Continental Congress*, No. 146, Register of Accounts, this appears to have been printed June 10, in an edition of 100 copies, by Francis Childs.

June 22.

Motion of James Monroe.

482. That upon supplies furnished by impressment or otherwise, or services / rendered by individuals, to the United States, from the year 1781, to the / present period— F°. Broadside.

A copy is in the Library of Congress. It measures 33.2 x 20.4 cms. Sixty copies were printed. See Journals. Apparently a Francis Childs imprint, run off on June 26, *Papers of the Continental Congress*, No. 146. Register of Accounts.

July 6.

Report on Consular Convention with France.

483. Office for Foreign Affairs, July 4, 1785. / The Secretary of the United States / for the Department of Foreign Affairs, to whom was re- / ferred a Copy of the Convention respecting French and American Consuls, Reports, / F°. (1, 2–9 pp.)

A copy is in the Library of Congress. It measures 36 x 21.5 cms. Forty copies were printed on some date between July 6 and July 13, See Journals. *Papers of the Continental Congress*, No. 146, Register of Accounts, notes "60 reports of Secretary Foreign Affairs" run off by John Dunlap July 14.

July 12.

Report on Oliver Pollock.

484. The Committee consisting of Mr. Ger- / ry, Mr. Ellery and Mr. Wilson, to whom was referred a Petition and sundry Papers of Mr. Oliver Pollock, late an Agent of the / United States at the Havannah, submit the following Report. / F°. Broadside.

A copy is in the Library of Congress. It measures 36 x 21.6 cms. From the press of John Dunlap, an edition of 60 copies was run off July 14. *Papers of the Continental Congress*, No. 146, Register of Accounts.

July 14.

Report on Requisitions for 1785.

485. The Grand Committee, to whom was recommitted a Report on the / Subject of Supplies for the Year One Thousand Seven Hundred and Eighty- / five, submit the following Report. /

F°. Broadside.

Copies are in the Library of Congress. They are in two columns and measure approximately 53.4 x 42.4 cms. One of them is indorsed by Thomson: "last Edition July 14, 1785." It was printed for the use of the Committee of the Whole and the various copies bear different ms. alterations. See Journal. William Samuel Johnson has indorsed on two of the copies: "4th Edition." *Papers of the Continental Congress*, No. 146, Register of Accounts, notes an edition of 60 copies of "requisition" run off July 10 by John Dunlap, but identification of this issue is difficult.

July 14.

Settlement of Accounts with individual States.

486. The Board of Treasury, on the Motion of / the Honorable Mr. Howell, of the 8th / July instant, beg leave to Report, / F°. 2 pp.

A copy is in the Library of Congress. It measures 42.5 x 26.8 cms. From the press of John Dunlap, an edition of 60 copies was run off July 18, *Papers of the Continental Congress*, No. 146, Register of Accounts.

July 18.

Report on Requisitions for 1785.

487. The Grand Committee, to whom was recommitted a Report on the / Subject of Supplies for the Year One Thousand Seven Hundred and Ehigty- / five, submit the following Report. / F°. Broadside.

Copies are in the Library of Congress. They are in two columns and measure approximately 54 x 42 cms. and bear ms. changes showing later alterations by Congress. The word Ehigty was noted and corrected by the printer before the entire issue had been run off the press. One of the corrected copies is in the Library of Congress. Rufus King has indorsed one of this issue: "6th Edition" and William Samuel Johnson has indorsed another: "5th Edition." Disregarding the ms. changes made on the broadsides the printed text is the same in both cases. The Register of Accounts, No. 146, affords means of clarifying the matter.

July 27.

State Laws.

488. By the United States in / Congress assembled. / July 27, 1785. / Resolved, /

F°. Broadside.

A copy is in the Library of Congress. It measures 32.2 x 19.6 cms. From the press of John Dunlap, an edition of 100 copies was run off July 28. *Papers of the Continental Congress*, No. 146, Register of Accounts.

August 2.

Report on Marbois's representation.

489. The Board of Treasury to whom was referred / on the 7th July Inst. a Paper from Le Sieur Marbois, Charge des Affaires of / His Most Christian Majesty, dated 16th May last,—Report, / F°. 2 pp.

A copy is in the Library of Congress. It measures 44.5 x 27 cms. The report itself is dated July 30, was read August 2, 1785, and January 26, 1786, assigned for its consideration; it was, therefore, printed on some unknown date between August 2 and January 26, 1786, with the probabilities that it was run off the press in August 1785.

August 5.

Report of Grand Committee.

490. The Grand Committee consisting of Mr. / Foster, Mr. Gerry, Mr. Howell, Mr. Cook, Mr. Lawrance, Mr. Cad- / wallader, Mr. Pettit, Mr. Hindman, Mr. Hardy, Mr. Cumming, Mr. / Read and Mr. Houstoun, to whom were committed sundry Motions, / Report, / F°. 2 pp.

A copy is in the Library of Congress. It measures 41.2 x 26.2 cms. It was printed on some day between August 2 and September 13. From the press of John Dunlap, an edition of 60 copies was run off August 11. *Papers of the Continental Congress*, No. 146, Register of Accounts.

August 17.

Representation in Congress.

491. By the United States / in Congress assembled. / August 17, 1785. / On the report of a committee, to whom was referred a / motion of Mr. Pinckney: / F°. Broadside.

A copy is in the Library of Congress. It measures 33.5 x 20.2 cms. From the press of John Dunlap, an edition of 80 copies was run off August 22. *Papers of the Continental Congress*, No. 146, Register of Accounts.

August 27.

Report on Loan Offices.

492. Board of Treasury, / August 27, 1785. / F°. 2 pp.

A copy is in the Library of Congress. It measures 36 x 21.3 cms. From the press of John Dunlap, an edition of 60 copies was run off August 30. *Papers of the Continental Congress*, No. 146, Register of Accounts.

August.

Representation in Congress.

493. A State of the Representation in Congress of the month / of 178 pursuant to the Act of 17th / August 1785. / F°. Broadside.

Copies are in the Library of Congress. They measure, approximately, 33.5 x 20 cms. Several of these blank forms are filled in, in ms., showing the attendance of delegates for September and other months. These blanks, from the press of John Dunlap, appear to have been printed August 30, 300 copies. *Papers of the Continental Congress*, No. 146, Register of Accounts.

September 6.

Report on Qualifications.

494. The Committee of Qualifications report, / F°. Broadside.

A copy is in the Library of Congress. It measures 44.6 x 27 cms. From the press of John Dunlap, an edition of 60 copies was run off September 9. *Papers of the Continental Congress*, No. 146, Register of Accounts. See Journals, September 6.

September 17.

495. Report on Requisitions for 1785.

One hundred copies of this report of the Grand Committee as modified by debate up to and including September 17 were run off from John Dunlap's press, September 20. *Papers of the Continental Congress*, No. 146, Register of Accounts.

September 20.

Report on Consuls.

496. Office for Foreign Affairs, September 19, 1785. / The Secretary of the United States for the De- / partment of Foreign Affairs, in Obedience to / the Order of Congress of August 9, 1785, / respecting the number of Consuls necessary / to be appointed, and for what Foreign Ports, / Reports, / F°. Broadside.

A copy is in the Library of Congress. It measures 42.4 x 26.5 cms. From the press of John Dunlap, an edition of 60 copies was run off September 20. *Papers of the Continental Congress*, No. 146, Register of Accounts.

September 26.

Report on Post Office.

497. The Committee consisting of Mr. / M'Henry, Mr. Read and Mr. Pettit, to whom were committed a motion / of Mr. M'Henry, beg leave to submit / the following Resolution. / F°. Broadside.

A copy is in the Library of Congress. It measures 36 x 21.3 cms. From the press of John Dunlap, an edition of 60 copies was run off

October 6. *Papers of the Continental Congress*, No. 146, Register of Accounts.

September 27.

Report on Requisitions for 1785.

498. By the United States in / Congress assembled, / September 27, 1785. / The report of the grand committee being amended to read as follows; / Resolved, . . . / F°. 3 pp.

A copy is in the Library of Congress. It measures 33.6 x 20.1 cms. and is signed in ms. by Chas. Thomson Secy. From the press of John Dunlap, an edition of 200 copies was run off September 30. *Papers of the Continental Congress*, No. 146, Register of Accounts.

September 29.

Petition of John Allan.

499. Board of Treasury, June 6, 1785. / The Board of Treasury to whom / was referred the Petition of John Allan, Esquire, late Super- / intendant of Indians Affairs for the Eastern Department. / Report, / F°. Broadside.

A copy is in the Library of Congress. It measures 35.8 x 20.8 cms. The report was read in Congress June 7. The last paragraph records the action of Congress which was taken September 29.

September 30.

Duties of Loan Officers.

500. By the United States in / Congress assembled, / September 30, 1785. / Resolved, / F°. 2 pp.

A copy is in the Library of Congress. It measures 32.5 x 20.7 cms. It is signed in ms. Chas. Thomson Secy. From the press of John Dunlap, an edition of 100 copies was run off October 10. *Papers of the Continental Congress*, No. 146, Register of Accounts.

October 3.

Report on Ordinance for trial of Piracies.

501. Office for Foreign Affairs, 29th September, 1785. / The Secretary of the United States, for the Department of Foreign / Affairs, in Obedience to the Order of Congress, reports the Draft of / an Ordinance for the Trial of Piracies and Felonies committed on / the High Seas. / F°. 4 pp.

A copy is in the Library of Congress. It measures 36.3 x 21.5 cms. It was printed on some day between October 3 and October 10. From the press of John Dunlap, an edition of 100 copies was run off October 10. *Papers of the Continental Congress*, No. 146, Register of Accounts.

October 3.

Motion of Elbridge Gerry.

502. Motion of Mr. Gerry, seconded by / Mr. Howell. / F°. Broadside.

A copy is in the Library of Congress. It measures 31.4 x 18.9 cms. It was printed on some day between October 3 and October 7.

October 10.

Report on French merchants' objections to Acts of New Hampshire and Massachusetts.

503. Office for Foreign Affairs, 7th October, 1785. / The Secretary of the United States for the Department of Fo- / reign Affairs, to whom was referred the Representation of certain / French Merchants, against the Acts of New-Hampshire and Massachusetts for / regulating Navigation and Commerce, &c. Reports, / F°. Broadside.

A copy is in the Library of Congress. It measures 36.1 x 21.2 cms. See Journal. From the press of John Dunlap, an edition of 6 [?] copies was run off October 10. *Papers of the Continental Congress*, No. 146, Register of Accounts.

October 11.

Agent to Six Nations; Mr. Kirkland's Letter.

504. (1) War Office. / September 12th, 1785. / The secretary at war reports, . . . /

(2) The Committee to whom was referred / a Letter from Mr. Kirkland, of the 14th of September, together with its / enclosures, submit the following Report: / F°. Broadside.

A copy is in the Library of Congress. It measures 36.2 x 21.7 cms. Authority to print was given this day. See Journal. From the press of John Dunlap, an edition of 100 copies was run off. *Papers of the Continental Congress*, No. 146, Register of Accounts.

October 12.

Quotas of money.

505. By the United States in / Congress assembled, / October 12, 1785. / Whereas it is indispensably necessary, . . . / F°. Broadside.

A copy is in the Library of Congress. It measures 32.9 x 19.7 cms. It is signed in ms. Chas. Thomson Secy. On the second leaf is the report of the Grand Committee of September 4, 1782, giving the quotas of the different States as recommended on that date. From the press of John Dunlap, an edition of 60 copies was run off October 6. *Papers of the Continental Congress*, No. 146, Register of Accounts.

October 13.

Report on Consuls.

506. Office for Foreign Affairs, / October 13, 1785. / The Secretary of the United States for the Depart- / ment of Foreign Affairs, to whom was referred back / his Report of the 19th ult. respecting Consuls, / accompanied with a Motion of the same date; / Reports, /

F°. Broadside.

A copy is in the Library of Congress. It measures 33.2 x 19.4 cms. It was printed on some day between October 13 and October 17. From the press of John Dunlap, an edition of 100 copies was run off. *Papers of the Continental Congress*, No. 146, Register of Accounts.

October 20.

Report on War with the Algerines.

507. The Secretary of the United States / for the Department of Foreign Affairs, to whom was re- / ferred his Letter of 13th instant, to his Excellency the President, / and one from Chevalier Jones, to him of 6th August last, with a Copy of a / Letter, from Mr. Soulanges, to the Judges and Consuls at Nantes, informing / that the Algerines had declared war against the United States: And also a / Motion of the Honorable Mr. Pinckney, of 17th October instant—Reports, /

F°. 3 pp.

A copy is in the Library of Congress. It measures 36 x 21.5 cms. It was printed on some day between October 20 and October 24. See Journal. From the press of John Dunlap, an edition of 60 copies was run off. *Papers of the Continental Congress*, No. 146, Register of Accounts.

November 2.

Settlement of Army Accounts.

508. By the United States in / Congress assembled, / November 2, 1785. / On a report of the board of treasury, to whom was refer- / red a letter of the 24th October, from J. Pierce, commissioner / of army accounts: / Resolved,

F°. Broadside.

A copy is in the Library of Congress. It measures 32.4 x 20 cms. It is signed in ms. Chas Thomson Secy

December 30.

Monroe's Motion on Accounts.

509. Whereas doubts have arose with some of the / commissioners appointed under the resolution /

A copy is in the Library of Congress. It measures 35.5 x 21.3 cms. From the press of John Dunlap, an edition of 60 copies was run off January 3, 1786.

Journals. 1784–85.

510. Journal / of the / United States / In Congress Assembled: / containing / The Proceedings / from / The First Monday in November, 1784, / Published by Order of Congress. / Printed by John Dunlap. / Printer to the United States in / Congress Assembled. / M,DCC, LXXXV. / 12°. [1–3] 4–368; [i] ii–xxvi pp.

A copy is in the Library of Congress in the Washington Papers. It is lettered on the binding "President of the United States"; it forms vol. 10 of a set which bears the signature of George Washington on page 1.

No. 146 of the *Papers of the Continental Congress*, is a *Register of Accounts*, kept by the Office of the Secretary of Congress, which covers the period from the beginning of the year 1785 through 1789. From this it was possible to identify many of the imprints of the Continental Congress of that period and these have been noted above. The accounts are not easily identified as they are not in definite form. The following items should be noted as necessary for a complete list of the imprints of Congress:

By Francis Childs.

1785,	June	30.	To printing	200 Copies of Proclamations	£1: 4:–
	Oct.	17.	To ditto	60 ditto of Resolutions	1: 4:–
		.	To ditto	60 ditto	1: 4:–
			To ditto	60 ditto	1: 4:–
		20.	To 60 Requisitions		4: 0:0

By John Dunlap.

1785,	June	26.	To printing	60 Copies reports of Board of Treasury	10:–
	Feby.		To ditto	60 ditto Report of Bills of Credit	1: 5:–
		18.	To ditto	60 reports relative to the 9th Article of Con:	1:—:–
	Mar.	16.	To ditto	60 Reports relative to settlement of Accounts	1: 5:–
	July	14.	To 2 packs Message Cards		10:–
	Aug.	5.	To 100 resolutions relative representation		1: 8:8
		"	To 100 resolutions respecting the appoint. of Delegates		1:—:–
		20.	To 80 resolutions upon regulating Commerce		15:–
		"	To 80 resolutions relative to Impost on goods		2: 5:–
		"	To 80 resolutions respecting the expenses of the U. S.		1:—:–

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